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INSIDE EIGHT PAGES FROM SUNDAY'S

The New York Times

WEEKLY REVIEW

Cabinet deadlocked on Brodet proposals

DAVID HARRIS

THE cabinet was still deadlocked late last night in its discussion of the Brodet Committee recommendations on reforming the capital markets.

The debate, which lasted for four hours in the morning and continued late into the evening, was mainly centered on proposals to encourage long-term savings, by taxing interest on short- and mid-term savings schemes.

The committee's chairman, Treasury Director-General David Brodet, said it is vital the entire package be approved, but denied he would resign if the proposals were rejected by the cabinet.

Cabinet sources said Finance Minister Dan Meridor's proposal to accept all the recommendations was backed by a majority, but Prime Minister Binyamin Netanyahu - who opposes some of the proposals - broke up the meeting for a private discussion with Meridor before reconvening the session.

Committee member Prof. Amir Barnea warned that if the recommendations were only accepted in part, with the rejection of taxation on short- and mid-term savings, the effect would be very negative. Taxing interest on these savings "is at the very heart of the report," he said.

Dismissing the opposition to the report, Brodet said so far no one has proposed a sensible, complete alternative to it, adding that since publication, all comments from the academic and professional worlds have been very positive.

In any case, he said, the changes will not affect the socially weak, as some politicians have been claiming. "The taxation on interest will only affect the wealthy. The poor have overdrafts," said Brodet.

Dr. David Klein, head of the central bank's monetary division, defended the report and outlined his alternative proposal, involving pension funds in capital markets via state backed long-term bonds, which was turned down by the other committee members.

When asked what the view of the Bank of Israel was, Klein declined to comment, saying he had been appointed to the committee as an expert and not as the mouthpiece for the central bank.

Both Bank of Israel Governor Jacob Frenkel, and Avigdor Lieberman, director-general of the Prime Minister's Office, reportedly expressed concern at the "psychological" effects of taxing short-term savings. In response, Brodet said while their arguments may have been valid, they are not based on economics.



Palestinian Authority Chairman Yasser Arafat and Labor Party leader Shimon Peres appear at a press conference after their meeting in Nablus yesterday. Story, Page 2.

PM-Arafat summit likely this week

Eilat-Taba talks delayed in favor of informal meetings

PRIME Minister Binyamin Netanyahu may meet Palestinian Authority Chairman Yasser Arafat as early as Wednesday, a Palestinian official said yesterday.

Netanyahu aide David Bar-Ilan said he would not rule out such a meeting, but would not confirm that it would happen.

Palestinian sources said US peace envoy Dennis Ross discussed a possible summit with Arafat at a meeting in Nablus late yesterday.

There is cautious optimism about progress in the Hebron redeployment talks, as three sets of informal discussions are being held to narrow the gaps between before negotiations resume in Taba later this week, officials said yesterday.

Ross announced that the Taba talks, which had been scheduled to begin today, were being delayed a day in a bid to create a better basis for progress.

"This will give the ongoing discussions a chance to develop further, and create a stronger basis for making progress when the Taba-Eilat talks convene," Ross said in a statement, adding that his "own discussions and ongoing talks between the parties... have proven very useful."

"Things are moving," a US official told Reuter, noting talks are now expected to begin tomorrow, but could be delayed further.

He said the results of Ross's mediation efforts had been "positive."

"The feeling is that things are moving in this format and [it is] best not to break it up for the moment," he said.

The US would like to see the toughest issues wrapped up during current informal talks between only a few officials on each side, believing it is hard to make headway during formal sessions involving large delegations.

Dan Shomron, the head of the negotiating team, agreed with the decision to delay the Taba talks, since Israel agrees with the US "not to stop the momentum" and to permit the quiet "continuous talks which are currently going on in the fields of security and civilian affairs." He said these quiet talks are "bringing the positions together."

Shomron dismissed Arafat's comments yesterday that no progress is being made as a ploy to manipulate the media.

(Continued on Page 9)

Hussein: Peace process remains in jeopardy

JORDAN'S King Hussein, who has become increasingly critical of Israel's peace policy, warned yesterday that the peace process remains in jeopardy.

Speaking to reporters in Amman, Hussein also said he was promised a "good surprise" for a breakthrough in negotiations.

He declined to provide details, but officials said the "surprise" was promised by Prime Minister Binyamin Netanyahu during the White House summit.

Jordanian Ambassador Omar Rifai, meanwhile, met yesterday with Netanyahu's foreign policy adviser Dr. Dore Gold to discuss bilateral problems. Rifai held a separate meeting with newly appointed Foreign Ministry Director-General Eitan Bentsur.

No plans were made to schedule a Hussein-Netanyahu meeting. Aides to the premier insist that Hussein is not the only one to be upset, since Netanyahu felt hurt that Hussein's attack came amid repeated Israeli efforts to increase US assistance to Jordan.

In an unusual development, the Jordanian daily *A' Rai* published a wide-ranging interview with Ambassador Shimon Shamir. Moreover, state-run Jordanian Television taped a joint interview on the peace process with Gold and top Palestinian negotiator Saeb Erekat, which is set to be broadcast tonight.

Hussein said the Washington summit "gave us the opportunity to speak frankly and clearly about one of the most dangerous periods in the life of this region."

"I know that negotiations are going on now between the two directly concerned parties and I... hope it can provide us with some (Continued on Page 9)

Weizman to meet Mubarak today

BATSHEVA TSUR and news agencies

PRESIDENT Ezer Weizman hopes to explore several new options to give momentum to the peace process when he meets with Egyptian President Hosni Mubarak in Cairo this morning.

Last night, Weizman called on all concerned to bury the hatchet.

"We have had enough of mutual insults and recriminations... and must look to the future," he told reporters. "There are different directions which I hope will [help] to smooth over the differences."

However, Mubarak said, in an interview to be published today in *Time*, that Israel's policy is forcing Palestinian Authority Chairman Yasser Arafat into such a corner that "violence may start."

Weizman said he is not bringing a message from Prime Minister Binyamin Netanyahu, but hopes to clear the atmosphere between the prime minister and Mubarak.

Weizman and Netanyahu, whose relations have recently been described as strained, held a short meeting before appearing together at a memorial (Continued on Page 9)

Three killed, 145 injured on roads as heavy rains fall

THREE people were killed yesterday and 145 injured in 102 traffic accidents, many caused by the slippery roads resulting from the season's first heavy rain.

Around Jerusalem, 38 people were injured, six seriously, in 24 accidents.

Three Palestinians were killed in a collision between a car and a truck at the Hizmit junction east of Jerusalem. The car swerved from its lane and crashed into the truck, killing three of the car's passengers and injuring the fourth.

Near Givat Ze'ev, a truck hit two vehicles, trapping two people inside one of them. Police and Magen David Adom staff freed them and brought them to Hadassah-University Hospital, Ein Kerem, where they are in serious condition. Three others were lightly injured.

One man was seriously hurt and four others lightly injured in a head-on collision near the Eshtaol Junction near Beit Shemesh. A police investigation revealed that a driver traveling from Sha'ar Hagai toward Beit Shemesh hit his jeep's brakes on a sharp curve, swerved into the opposite lane, and hit a car with four passengers. (Itim)

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High Court invalidates Bar Association rule on changing lawyers

A BAR Association rule that prevents clients from changing lawyers in mid-case without the consent of the lawyer being replaced is illegal, the High Court of Justice ruled yesterday.

Rule 27 of the Bar's code of ethics states that no lawyer may take over a case begun by another lawyer without the first lawyer's consent.

The first lawyer, it adds, may refuse his consent only if he has outstanding financial claims against the client, and if the client refuses either to let the Bar arbitrate and to provide the financial guarantees the Bar demands.

In their verdict, Justices Aharon Barak, Gavriel Bach and Tova Strasberg-Cohen noted that secondary legislation is allowed to violate fundamental legal principles only for an appropriate purpose, and even then only to a degree no greater than absolutely necessary to achieve this purpose.

EVELYN GORDON

The Bar's code of ethics is the equivalent of secondary legislation, and therefore must abide by these principles.

In this case, the justices said, Rule 27 clearly infringes on two fundamental principles: freedom of occupation, since it restricts a lawyer's ability to accept a new client, and personal autonomy, since it impedes the individual's ability to choose the lawyer he wishes.

The justices accepted the Bar's claim that the rule is not meant to make it easier for lawyers to collect their fees, but rather to ensure that a lawyer is always informed when a client fires him, so that two lawyers do not wind up simultaneously acting on the same case. This, they said, is an appropriate purpose.

However, they continued, the degree to which this rule curtails

the two fundamental freedoms listed above is far greater than necessary to achieve this worthy purpose.

It is not necessary to get the first lawyer's consent to the switch to ensure that there will be no double representation, they said; it would be enough to require the new lawyer to notify the one he is replacing.

Therefore, they said, this rule is illegal, and is henceforth invalid. However, they noted, this ruling is specific to the Bar Association rule, and therefore does not automatically invalidate similar rules promulgated by other professional associations, such as accountants, land assessors, private investigators, engineers and architects.

The petition was filed by a lawyer, three clients who had been harmed by the rule, and the Association for Civil Rights in Israel.



Supporters of Mordechai Vanunu, the former nuclear technician jailed for revealing nuclear secrets, demonstrate on his behalf outside the Prime Minister's Office yesterday to mark a decade since his imprisonment. A two-day international conference in support of Vanunu, currently in solitary confinement at Ashkelon Prison, begins today in Tel Aviv. (Brian Hender)

NEWS IN BRIEF

Kahalani visits US, England
Internal Security Minister Avigdor Kahalani left yesterday for a week-long official trip to England and the United States, to meet with senior security and government officials in the two countries, a ministry spokesman said.

Kahalani's first stop is London, where he will meet British Interior Minister Michael Howard, as well as senior officers at Scotland Yard, the spokesman said. In the US, Kahalani will hold meetings in New York and Washington.

Bill Human

Jewish/Arab hospitals save life
The life of a 14-year-old youth from eastern Jerusalem has been saved by cooperation between Bikur Holim Hospital and St. John's Ophthalmic Hospital, where the youth was in serious condition from a massive eye infection and total obstruction of the sinuses that were threatening to put pressure on his brain.

Doctors in the eastern Jerusalem eye hospital contacted the ear-nose-and-throat department at Bikur Holim and asked to transfer him. An operating room was readied for the youth, and department head Dr. Elimelech Deutsch was alerted. Using endoscopy instead of a major operation, the doctors drained the pus from around the eye and the sinuses, saving his life. The youth will be discharged in a few days.

Judy Siegel

Two pirate stations shut down
Communications Ministry inspectors and the police yesterday shut down two pirate radio stations in Ramle and Yavne and have launched an "intensive national campaign" to locate others.

According to the ministry, Radio Style in Ramle and Radio Center in Yavne had been broadcasting all over the country. Some 20 people who ran the stations, as well as advertisers, were arrested, and a large amount of equipment was confiscated. The Justice Ministry is dealing with the case.

Judy Siegel

Turkish delegation to study forestry
A delegation from the Turkish Forestry Ministry in Israel to study watershed management. The Jewish National Fund is hosting the mission, which is funded by the World Bank. They have visited desert areas demonstrating JNF development methods. They also examined rehabilitation efforts in sections of the Jerusalem Corridor destroyed by forest fires.

Jerusalem Post Staff

MICU service to be stopped in Western Galilee
Mago David Adom yesterday decided to stop mobile intensive care unit service in the Western Galilee, leaving 500,000 people with only regular ambulance service. MDA had delayed making a decision in the hope that the Health Ministry would persuade the Nahariya and Acre municipalities and Kupat Holim Clalit to pay an accumulated debt of NIS 800,000.

MDA said it could no longer subsidize the service, which sends high-tech rescue equipment, a physician and a well-trained paramedic along with the ambulance driver. The Health Ministry spokesman said the ministry had done its best to try to persuade the municipalities to pay up.

Judy Siegel

Jeff Barak named new editor of 'The Jerusalem Post'



THE president and publisher of *The Jerusalem Post*, Yehuda Levy, yesterday announced the appointment of Jeff Barak as editor of the newspaper.

The appointment of Barak follows the departure of the previous editor, David Barilan, who has taken a post in the Prime Minister's Office.

Barak, 35, was born in Leeds, England and came to Israel in 1984. He joined the *Post* staff 10 years ago. During the last four years, he served as managing editor.

Court rebuffs police for shooting at, beating suspect

RAINE MARCUS

A TEL Aviv Magistrate's Court judge yesterday slammed a Dan sub-district policeman who shot at the legs of a suspect on Friday night because the latter refused to identify himself.

The policeman missed, and then allegedly beat up Erez Finkelstein so badly that he was hospitalized in Sheba's Tel Hashomer Hospital and appeared battered and bruised in court yesterday. His lawyer Moshe Aloni also argued that there was no need to open fire at a man when there are other methods of halting a suspect. The policeman, said Aloni, simply wished to settle old scores with 22-year-old Finkelstein.

This is the third time in a month that police in the Tel Aviv district have opened fire on suspects. The first case, around a month ago, ended in the death of a prisoner who failed to return from furlough, when he drove through a routine road block. The second instance occurred last week when Givatayim police shot at a driver who allegedly refused to take a parking ticket and tried to run over a patrolman.

Finkelstein, known to police, was seen at the Ra'anana Junction, loitering near an allegedly stolen motorcycle on Friday night. When asked to produce his ID card he started to do so and then apparently changed his mind, putting it back in his pocket. He then fled on foot, chased by the policeman, who fired at him after he said that Finkelstein had put his hand behind his back as if to produce a knife.

During the chase, the policeman remembered that he knew the suspect from a previous incident several months ago.

Judge Moshe Shamai refused to comply with a police request to remand Finkelstein in custody, and released him.

"I am shocked by the condition of the suspect," said Shamai. "I don't know what possible offense he was suspected of as he stood by a motorbike which caused the policeman to open fire, and then beat him. It is strange that the policeman remembered that he knew the suspect during the chase and not beforehand."

At the time, added Shamai, police did not know if Finkelstein was connected with the motorcycle, or even if it was stolen.

Regulations state that police may open fire if their lives or those of others are in immediate danger.

Murder suspect placed under house arrest

RAINE MARCUS

GARDENER Ofer Cohen, suspected by police of planting IDF fragmentation grenades underneath the vehicle of his lover's husband, was placed under house arrest for six days by Tel Aviv Magistrate's Court yesterday.

On Friday, his lover, Naomi Ziv, was placed under house arrest after police lost their appeal to keep her in custody. Her house arrest ended yesterday.

Cohen and Ziv were arrested last week for allegedly planting the grenades under Moshe Ziv's jeep outside the couple's Savyon home. Both Cohen and Naomi Ziv vehemently deny attempting to kill Moshe Ziv.

Police are investigating other motives for the murder attempt on the international businessman.

Meanwhile, the District Attorney's Office is planning to indict two men who allegedly plotted to murder Rishpon resident Aharon Ginzberg via a hired killer. Reuven Breiner and Yitzhak Taub, both of Rishpon, allegedly asked a known criminal to assault or kill Ginzberg, who has filed several petitions at the Tel Aviv District Court and the High Court of Justice claiming that Rishpon residents and the local council are guilty of irregularities and unfair allocation of land on the moshav.

The would-be hired assassin informed police of Breiner and Taub's plot. The same man, whose name is banned from publication, also was allegedly used by Herzliya insurance broker Haim Afallo, who asked him to murder his wife because she wanted too much money as part of the couple's divorce settlement.

Eighteen months ago, the man was hired by private investigator Amir Ben Asher and former IDF officer Ya'acov Bek to murder three members of the Russian mafia here.

Police say the man is not an agent provocateur, but believed his own life was in danger. However, Afallo, Breiner and Taub's lawyers apparently believe differently, and are astonished that the same assassin was hired in three unconnected incidents.

Dead rabbis 'sign' Hebron protest statement

HAIM SHAPIRO

A STATEMENT published Friday in *Ha'arets*, signed by over 200 rabbis calling on Prime Minister Binyamin Netanyahu not to transfer any part of Hebron to the Palestinian Authority, raised some eyebrows yesterday in view of the fact that at least two of the signatories are dead.

The statement, which appeared in a paid advertisement, was in the form of a halachic ruling, which said it is forbidden to hand over a city in the Land of Israel to non-Jews if there is even a suspicion that by doing so, one will endanger Jewish lives.

The list of rabbis signed on the statement includes the late chief rabbi Shlomo Goren and the late Moshe Zvi Neriyah, who was head of the Bnei Akiva yeshivot in Israel.

Asked to comment on the matter, Rabbi Shalom Gold, one of the signatories, said he had signed the statement two or three years ago and this was not the first time it had appeared, but he had no objection to its appearing at this time.

"The Halacha is still clear. We cannot endanger the lives of Jews," he said. Gold also saw nothing unreasonable in including the names of rabbis who are dead. On the contrary, he said, it is quite normal to have a halachic ruling on the opinions of rabbis who have long left this world, he said.

"We rule according to the Ramham and the Ramham is dead," Gold noted.

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Ousted Afghan forces take Taleban town

KABUL (Reuters) - Forces of the ousted Afghan government have taken the front-line headquarters town of the purist Islamic Taleban and launched an assault on another on the road south to Kabul, Afghan sources said yesterday.

They also said guerrilla attacks staged south of the front line by former government military chief Ahmad Shah Masood have spread to new areas north of Kabul.

The town of Jabal-os-Saraj, at the mouth of the Salang Pass through the Hindu Kush mountains, fell on Saturday and Masood hit Charikar, a 30-minute drive to the south, yesterday, they said.

The fall of Jabal-os-Saraj is a major setback for the Taleban, who pursued Masood north after taking Kabul just two weeks ago and bottled up his forces in the Panjsher Valley, which begins near the town.

They were unable to penetrate the narrow gorge into the Panjsher, and last Tuesday Masood launched a counterattack in the Salang Pass, then orchestrated a series of guerrilla strikes well behind the front lines.

"Yes, Jabal-os-Saraj has fallen. It fell on Saturday evening," one source told Reuters. "They attacked Charikar early this morning."

The Taleban in Kabul strenuously denied reports that Jabal-os-Saraj, its front line headquarters for both the Salang and Panjsher valley fronts, had fallen.

But the sources said Taleban forces had retreated from Jabal-os-Saraj to Charikar and fighting was still going on in the town late yesterday afternoon, with Masood loyalists staging hit-and-run attacks from inside houses.

Masood's mostly ethnic Tajik forces have struck in and around Charikar over the last three days.

People in the mostly Tajik town said earlier in the week the largely ethnic Pushtun Taleban had been rounding up young men suspected of fomenting opposition.

Masood commanders say people of the town had joined in the fight against the Taleban and that it was expected to fall soon.

The charismatic former military chief, who won an outstanding reputation as a guerrilla general in the 1980s when the Soviet army backed a communist government in Kabul, has also orchestrated guerrilla attacks even near Kabul.

They cut the main road north remained cut about 15 km. north of the Kabul valley and Taleban forces going to and from Charikar, a 90-minute drive from Kabul, had to take a looping side-road that joins the main highway near Charikar.

But that, too, was closed to civilian traffic yesterday and the sources said Masood's guerrillas had moved into hills south of Bagram, the government's main airbase 50 km. north of Kabul.

Masood has hit the airbase which shells and mortars repeatedly over the past two days and the Taleban have responded with bombing raids on his suspected positions in the village of Bagram east to the base, witnesses said.

The attacks, reminiscent of his tactics in the 1980s have clearly rattled the Taleban and the sources said fighters are now going into villages looking for guerrillas and arms.

The Taleban have struck back from the main road from Kabul with tank fire and multiple rocket launchers and say they have contained the guerrillas in that area.

But, in sharp contrast to genial conversations with reporters earlier, Taleban on the road have become aggressive.

Veteran Afghan watchers in Kabul said that was a sure sign the tide had turned against the Taleban north of Kabul, but that it is unlikely Masood could retake the city without the backing of northern Uzbek leader Abdul Rashid Dostum.

He signed a military pact with the Tajik chief earlier this week, promising to help him unless fighting stopped.

"But Masood has surprised us before and he might again," said one Afghan watcher.

Taleban sources in Pakistan said the Islamic militia had rounded up at least 300 suspected Masood supporters in villages between Bagram and Charikar in the past two days.

They said about 2,000 fresh Taleban fighters had moved to front lines north of Kabul since Friday, including 600 from Nangarhar province and 1,350 from Paktya province, both in eastern Afghanistan.

The Paktya contingent included about 300 men loyal to a renowned guerrilla commander named Maulvi Jalaluddin Haqqani.

China warns against hostile Western ideas

BEIJING (Reuters) - China's Communist Party, in what it called one of its greatest ever documents, yesterday warned against hostile Western ideas such as parliamentary democracy and capitalism and vowed to fight back with puritan Marxist values.

The document - adopted at last week's annual secret plenum of the ruling party elite - marked the latest volley by party chief Jiang Zemin to boost his position by battling corruption, pornography, and worship of money, while promoting nationalism and hardline communist ideology.

Diplomats said a strong tone of opposition to the West and particularly the US, which Beijing fears is pursuing a policy of containment toward China, also suffused the document, unveiled by the official Xinhua news agency.

They said Jiang was striving to placate party hardliners, angered by what they see as an erosion of puritan communist values by nearly two decades of profit-based economic reform.

"The standard of moral conduct has been lowered in some spheres, and the practice of worshipping money, seeking pleasure, and individualism has grown," the document said.

Pro-Iraqi Kurds accuse Iran of 'invasion'

News agencies

PRO-Baghdad Iraqi Kurdish leader Massoud Barzani yesterday accused Iranian forces of entering northern Iraq to help rival Kurdish warlord Jalal Talabani retake the key city of Sulaimaniya.

"Since October 10, Iran has started a major invasion of Sulaimaniya province in collaboration with Jalal Talabani," Barzani said in a statement.

But Talabani's Patriotic Union of Kurdistan (PUK), which yesterday recaptured Sulaimaniya from Barzani's forces who had occupied it for the last month, denied being aided by Tehran.

"We would like to emphatically point out that there is no Iranian involvement or support for our forces in this heroic war of liberation," the PUK said in a statement.

Baghdad urged the rival Kurdish groups to stay away from outside powers, in an apparent reference to Iran.

"We call on the parties which have resumed fighting to keep

away the foreign powers and not deal with them," the official Iraqi News Agency (INA), quoted a spokesman for the Revolutionary Command Council as saying after the body met under the chairmanship of President Saddam Hussein. "We also call on them to start talks between themselves."

Barzani, who received military help from Baghdad to conquer much of northern Iraq in fighting with Talabani's forces last month, called for international help.

"We appeal to the international community to intercede to stop this barbaric invasion," he said.

A statement by the PUK said its forces entered Sulaimaniya, the region's second-largest city with 1 million people, at dawn, following a "spontaneous uprising" that ejected the forces of the Kurdistan Democratic Party (KDP).

It said Barzani, the KDP leader, fled the city and took refuge in the northern oil city of Kirkuk, which is under the control of the Iraqi government.

NEWS IN BRIEF

Turkish Cypriots kill Greek Cypriot
NICOSIA (Reuters) - Turkish Cypriot forces yesterday shot and killed a Greek Cypriot who had crossed into the north of the divided island, British and Turkish officials said.

The incident raised to four - three Greek Cypriots and one Turkish Cypriot - the number of people killed along the buffer zone since tension began to rise in August.

Turkish Cypriot officials said the man, retired fireman Petros Kakouli, had crossed 200 meters into the self-proclaimed Turkish Cypriot state and ignored warnings to stop. Cypriot police said Kakouli was with his son-in-law collecting snails.

Bougainville premier assassinated
SYDNEY (Reuters) - The premier of the violence-torn Papua New Guinea island of Bougainville has been assassinated, robbing the province of one of its strongest voices for peace, the PNG government said yesterday.

Theodore Miriung, head of the government-backed Bougainville Transitional Government, was shot on Saturday in front of his family by at least two gunmen at his wife's village in the south of the copper-rich island, the government said in a statement.

Miriung, a former legal adviser to the secessionist Bougainville Revolutionary Army, was appointed head of the transitional government last year in a bid to negotiate an end to an eight-year rebellion on the island.

Saudi prince saves desperate Palestinian
AIN EL-HILWEH, Lebanon (Reuters) - Saudi Crown Prince Abdullah yesterday came to the rescue of a Palestinian refugee who threatened to sell his seven-year-old son to pay for his father's medical expenses.

Saudi Ambassador Ahmad Koheini visited Nabil Refai, 32, and his ailing 60-year-old father Ali in a hospital in Sidon, and told them Prince Abdullah had decided to pay the bill for Ali's kidney dialysis.

Refai, a laborer who earns \$10 a day, told reporters on Friday that he wanted to sell his son to raise \$25,000 for his father's treatment. He said UNRWA had failed to respond to his requests to help his father.

Pope makes first post-surgery appearance
ROME (AP) - Joking that the hospital has become "Vatican No. 3," Pope John Paul II made his first post-surgery public appearance yesterday, but kept his trembling hand - possibly caused by Parkinson's disease - out of sight.

The pope appeared rested and in good spirits five days after an appendectomy, lingering at the window of his 10th floor suite at Rome's Gemelli Polyclinic hospital even after telling the more than 1,500 pilgrims below: "Now, I'm going back to bed."

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Non-Starters

A Missing Issue In the Big Race

By RICHARD L. BERKE

IT is possibly the most consequential — and the most neglected — issue in the 1996 campaign: that the next President could shift the balance of the Supreme Court well into the next century.

Early this year, the Court seemed to be at the top of the political docket. In the Republican primaries, Patrick J. Buchanan lashed out at the Justices as asserting "centralized control over every moral, political, social and economic issue in the country." And in April, Bob Dole declared that President Clinton's judicial appointments had set off a "crisis" in the courts and that his reelection would undermine the judiciary with an "all-star team of liberal leniency."

Not a Word

But since then, the High Court has essentially been abandoned as an applause line on the campaign trail. Although Mr. Clinton and Mr. Dole uttered roughly 15,000 words between them in their debate last Sunday, the Supreme Court did not arise once — despite the prospect of perhaps three of the nine Justices retiring in the next four years: William H. Rehnquist, the 72-year-old Chief Jus-

rice, may be ready to move on and write books; Justices John Paul Stevens, 76, and Sandra Day O'Connor, 66, have had health problems.

"What started out as a story during the primaries has become a non-story during the campaign but may be a major story after the election," said David M. O'Brien, a professor of government at the University of Virginia who is an authority on the Court. He said that sooner or later the stakes would draw wide attention: "If we retain Republican control of the Senate, we're probably going to get clearly moderate judges from Clinton. If Dole wins, you would have more right-wing judges — a replay of the Reagan era."

As its term opened last week, the Court itself made clear that it would confront numerous issues that have serious political implications and could affect millions of Americans, from doctor-assisted suicide to gun control to English-only laws to voting rights.

But there have been no recent dramas to draw public attention to the Court's work or its members. In 1992, the nomination of Justice Clarence Thomas was still a hot topic at kaffeeklatches; in 1988, memories of the fierce campaign that defeated Robert H. Bork's nomination were still fresh.

"For people who care about judicial appointments, this can be the

Continued on page 4

When Oratory Wasn't Mush

By FRANCIS X. CLINES

THREE hours and two vodkas after the conclusion of the Gore-Kemp debate, your correspondent snaps his fall-back video fix into the VCR. He watches Huey Long cut loose once more with his "share the wealth" speech, taunting the oatloo's millionaires by oame, demanding they use their riches to feed hungry Americans during the Depression. The great antic political speech, 200-proof, warms the heart; there is oooe of that focus-grouping the mother tongue into a sweet porridge of centrist gruel.

"What's Morgan and Baruch and Rockefeller going to do with all that grub?" Long whines devilishly, arms waving, voice booming before the cameras 61 years ago outside the Senate. "We got to call Mr. Morgan, Mr. Mellon and Mr. Rockefeller, say 'Come back he-ah!'" the great orator leers in his populist itch to tax their fortunes.

Long's outrage is the ear's sweet antidote to Gore-Kemp with all their monkish preparation, bland memorization, buzzword repetition.

Last Tuesday, Mr. Gore earnestly declaimed: "Cleaning up toxic waste

sites when millions of children live within one mile of them — that's important." Mr. Kemp was no less silver-tongued: "How can we as a free society turn people into enemies or adversaries of the United States Government? OSHA does it. E.P.A. does it, ERDA does it, and you oame it."

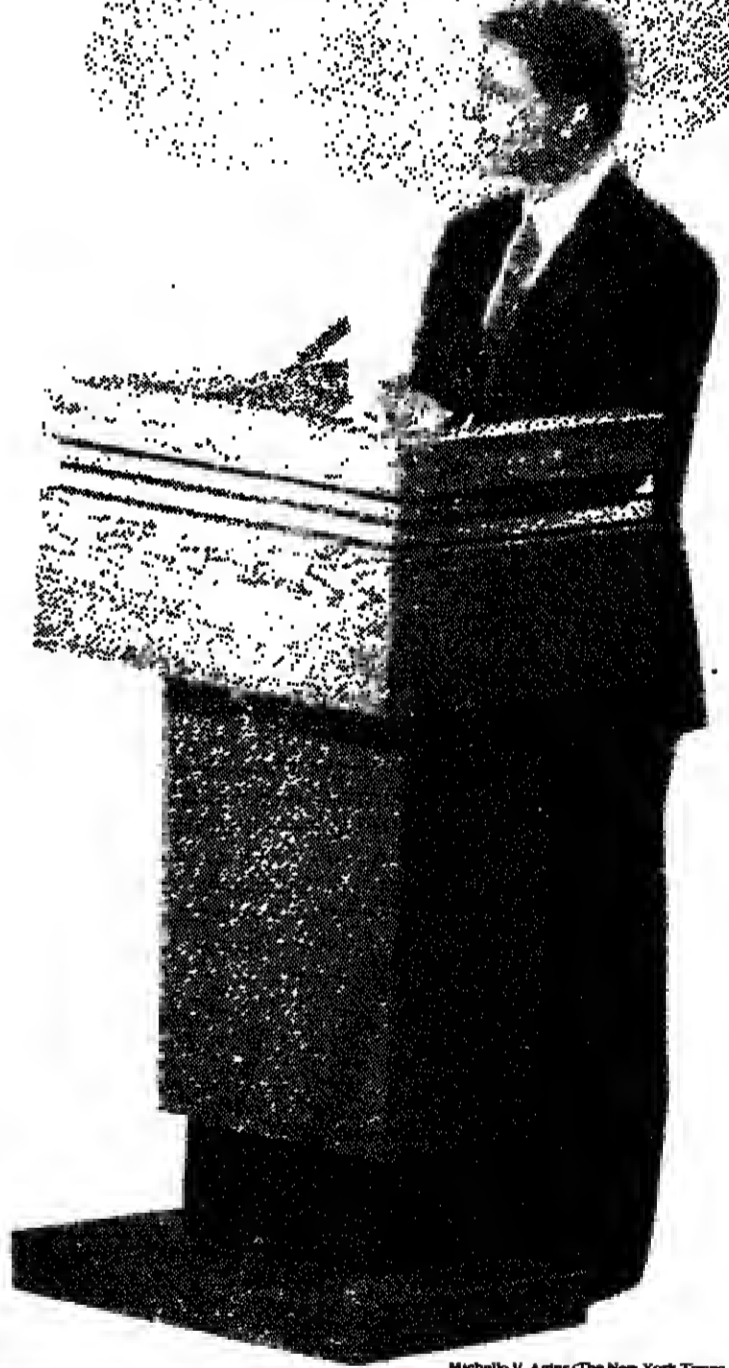
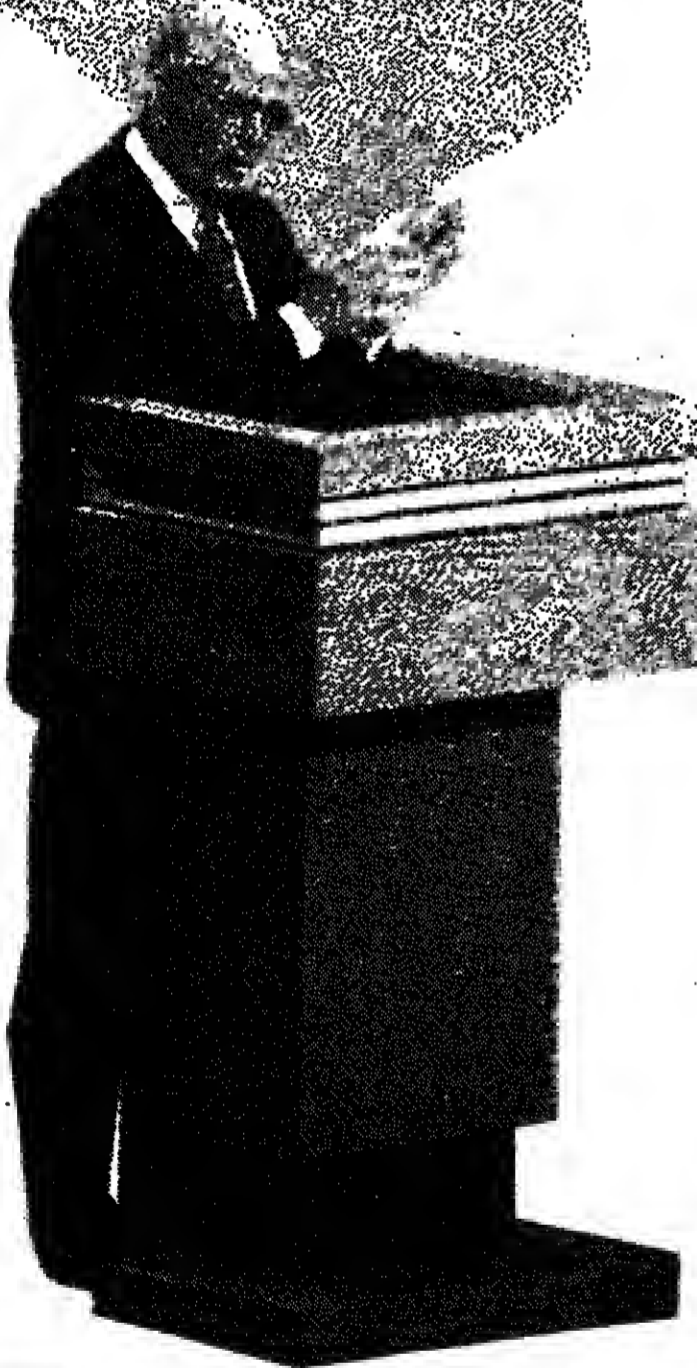
The Hangover Cure

Across two weeks of having to listen to all of the nationally televised debates thus far by Congressional, Presidential and Vice Presidential candidates, this listener kept Long and his vintage colleagues reliably there in the VCR like a hangover cure.

Thirty-two orators are on a four-hour, double-cassette set of "Great American Speeches" (produced by Parker L. Payson at Pieri & Spring in Alexandria, Va.), offering a fine midnight restorative after the latest tele-genic maunderings.

Most interesting, the cassette sampling of 80 years of filmed and taped speechifying is a lure for the political junkie to keep on listening into the present: Politicians do rise to the occasion at odd times and surprise us with excitement, conflict, wit, leader-

Continued on page 4



Michelle V. Agins/The New York Times

L.A. Story

What Is Made of Broken Promises

By JAMES STERNGOLD

LOS ANGELES
FOUR and a half years after an ambitious campaign was launched to revitalize the neighborhoods left smoldering by a three-day spasm of rioting here, the effort seemed last week to have come down to little more than a couple of sound bites in the Vice Presidential debate.

Jack Kemp used the disaster as an excuse to tear into the Clinton Administration for failing to make the poor, stricken area a so-called empowerment zone with large-scale Government financing.

That prompted Vice President Al Gore to counter that the Clinton Administration was instead underwriting a community development bank in Los Angeles that would provide \$430 million in grants and loans.

The candidates then moved on, but the exchange was apt, turning as it did on abstruse policy distinctions and seemingly huge commitments of money that had an uncertain relationship to the struggle for rebirth in South Central Los Angeles.

In fact, the history of the efforts to rebuild the afflicted neighborhoods has been filled with frustration, symbolized by the announcement last Wednesday that Rebuild L.A., the organization hastily formed to bring jobs and hope to the city's poor areas after the riots in

April 1992, would shut down. It was an announcement that carried a mixed message, however, bringing an unexpected glimmer of hope despite the continuing gloom.

Unemployment among young blacks is still estimated at more than 40 percent in some of the hardest-hit areas, while big corporations have come up nearly \$200 million short of the \$580 million in investments originally promised at well-attended news conferences. That amount is a fraction of the \$6 billion that McKinsey & Company had estimated would be required to create the 90,000 jobs needed by residents in the neighborhoods. And only half of the 32 supermarkets that were supposed to bring convenience, lower prices and jobs to the area have been built.

But for small businessmen like Francisco Pinedo, standing in the bustling furniture factory he owns in South Central, the legacy of Rebuild L.A. brought with it a more important lesson: the larger business community had finally discovered that there was a little-known but vibrant manufacturing sector on which to build the area's future.

Mr. Pinedo said his company, Cisco Brothers Design, which has 118 employees and about \$9 million in annual sales, would not have moved near the epicenter of the worst violence had Rebuild L.A. not opened his

Continued on page 3



Marsana Roth for The New York Times

Francisco Pinedo in front of Cisco Brothers Design.

Urban Glut

Japanese have plenty of open space but choose not to live there.

By Nicholas D. Kristof

2

Poorest of the Poor

Now, a higher share of Hispanic people than blacks live in poverty.

By Steven A. Holmes

3

Unsettled Afterlife

Argentinians find little peace after death.

By Calvin Sims

2

The World

Why No One in Japan Is Down on the Farm



Young people flock to Tokyo for opportunities — and jam the pools, as they did last summer.

By NICHOLAS D. KRISTOF

THIS is one of the prettiest parts of Japan, where clean streams ripple down green hillsides and a gentle sea laps against a sleepy shore. People are uniformly pleasant and friendly, homes are large and inexpensive, and uncrowded roads make commuting easy.

So what do all the young people in the sparkling high school here plan to do after graduation? Move away, of course. They plan to move to the more famous bits of Japan, where they will have the opportunity to live in tiny homes that they cannot really afford and commute for three hours a day on a crowded subway to a job where they are expected to put in overtime without putting in for overtime.

"I'd like to leave," mused Rie Kobayashi, an 18-year-old senior at the high school here in Akkeshi on the northernmost Japanese island of Hokkaido. "I'd like to go off and live on my own." So she is going to get a job as a checkout clerk in a supermarket in Chiba, one of the endless suburbs of Tokyo.

Sapporo or Bust

Masahi Ogawa, a 17-year-old boy who wants to be a carpenter, also plans to leave Akkeshi for Sapporo, the crowded prefectural capital. "Akkeshi's losing population, and there are lots of empty houses here," he said as he sat with friends around a table at school. "So if I want to learn the latest carpentry techniques, I'd better go to Sapporo. If I look at the town newsletter, it looks as if dozens are leaving here every month."

Those comments help to explain one of the puzzles of Japan. This is a land with many pretty parts and many ugly parts, but just about everyone lives in the ugly bits:

the endless expanses of concrete and electric wires and signboards and snarled traffic, all in shades of gray, so that a photographer barely needs to bother with color film. More puzzling, the few young people with the good fortune to live in the nice parts all seem determined to pull up stakes and move to the ugly, overcrowded areas. Akkeshi is a good example. It is located in Hokkaido, famous for its beautiful mountains, abundant hot springs and great skiing. Hokkaido accounts for more than one-

In a land with many quiet, pretty spots, everyone wants to live in the eyesores.

fifth of Japan's area and is the most sparsely populated of the main islands; it is one of the few places in the country where there is plenty of room to stretch out.

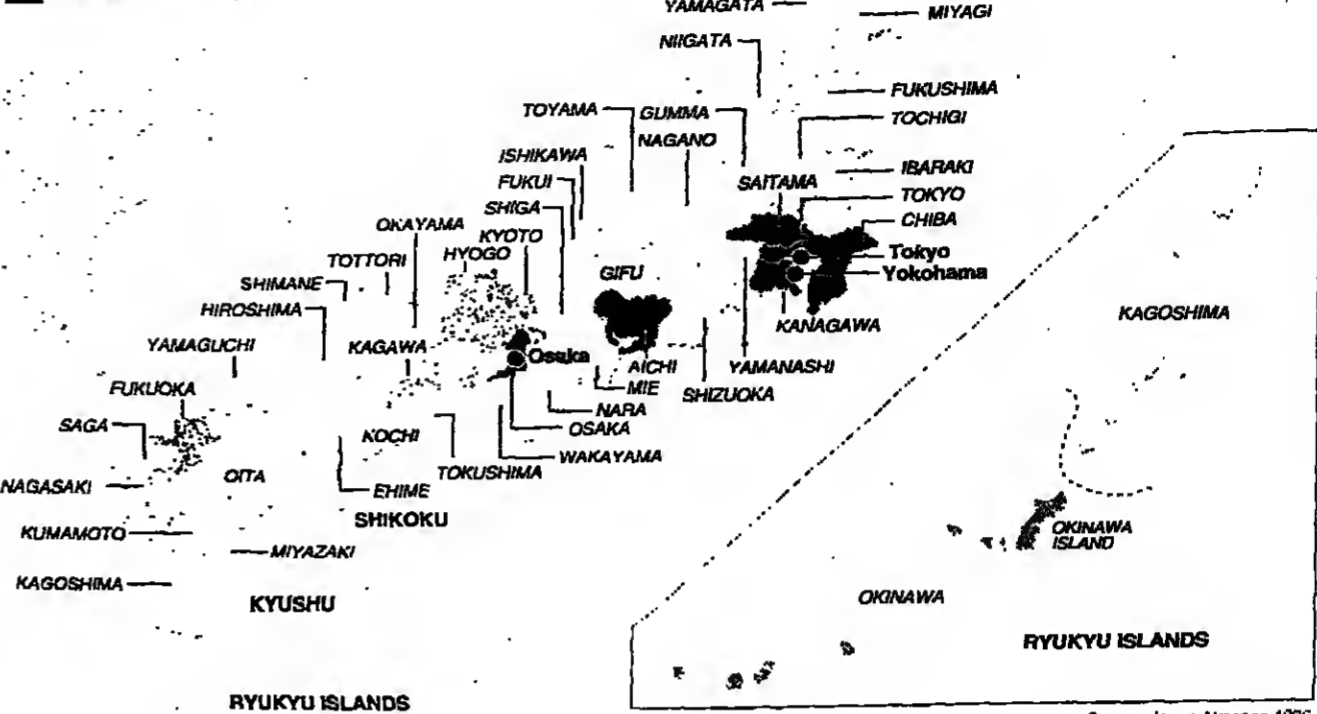
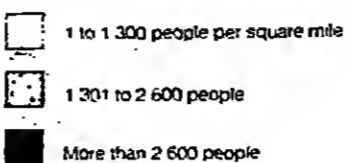
Yet Akkeshi, like most towns in Hokkaido, is losing people. Its population has dropped steadily since 1960, from 20,000 to 13,000. The same thing is happening around Japan, where the livable small towns and rural areas are being dramatically depopulated. The Hokkaido Government has even chartered cruise ships, with cut-rate fares for women from other parts of Japan, to entice Japanese women to meet (and, it is hoped, marry) Hokkaido's men.

At some level, of course, the theme is almost universal. Many Americans may agree that Montana is pretty, and they make take vacations there, but in the end Montana is still pretty sparsely populated.

In Japan, though, the trend extends to remarkable lengths, for pretty bits are still losing people to urban

Wide Open Spaces

There is plenty of elbow room in Japan, but just about everyone chooses to live in a few overcrowded areas. More than three-quarters of the nation's 47 prefectures have a population density of fewer than 1,300 people per square mile.



Source: Japan Almanac 1996

metropolises that are jammed. Urban planners say the sprawling Tokyo metropolitan area is now the most densely populated area on the globe.

The Standing Commute

Some 7.8 million people live in the 23 wards of Tokyo that urban planners compare to New York City, but the population density is 32,850 people per square mile, compared with 23,705 in New York. And Tokyo has one-ninth as much park space per person as New York City, while commuting typically means standing up for more than an hour each way on a jam-packed train. Because of the concentration, Japanese live in homes less than half the size of American homes; while they pay far more for them. Meanwhile, the pretty parts of Japan are full of empty, abandoned houses that are virtually free for the taking.

Japanese culture has always had a fascination with the "miyako," the capital, and even today the only place that is really booming in Hokkaido is the island's capital, Sapporo. Likewise, society has emphasized clustering together. Even more than in other countries, Japanese do not live on farms; instead, those who till the fields huddle together in villages, in houses built almost on top of each other, sometimes without even a garden.

While appreciation of nature also resonates in the Japanese psyche, it often is appreciated in a crowd: in the spring, for example, hordes of people pack into parks for picnics while admiring cherry blossoms. To an American it has less the atmosphere of nature than of a Yankees game.

A more mundane reason often cited for the migration to the cities is that that is where the jobs are. "There are no jobs here for college graduates," said Ryoji Shimada, a music teacher in Akkeshi's high school. "The only hope is to get a job in city hall."

One explanation for why there are few jobs in small

towns is Japan's morass of regulations, which make transportation costs exorbitant. Controls on trucking, in particular, reduce competition and escalate costs. So factories are reluctant to take advantage of cheaper land and labor rates in small towns because transportation costs will eat up the savings.

Another problem is the Japanese educational system, which determines what college a student can enter almost entirely on the basis of national achievement tests. This is a case where meritocracy is not equal opportunity: A child who goes to a good high school in Tokyo and attends the best cram schools is far more likely to do well and be admitted into Tokyo University than a child in the provinces. As a result, Japanese men are reluctant to take job postings in the nice parts of Japan, and when they do transfer they often leave their wives and children behind in the big city.

Some people say that change is coming, that young people are more inclined to consider life in the less densely populated areas. Certainly recreational vehicles are immensely popular among young people, even if the owners use them just for commuting. This suggests some desire for escape from the social straitjacket, a yearning for a more relaxed life style.

But ambition and restlessness drive more kids to put on the straitjacket. Many small American states have a good bit of pride in themselves, but in Japan the only local area that really preens is Kansai, around Osaka. Everywhere else, there is mostly envy of Tokyo.

"Not just industry but culture as well is concentrated in Tokyo," said Ikuo Okuma, vice principal of the Akkeshi high school. "Even if there are good local artists here in Hokkaido, they aren't recognized unless they go down first and pass through the filter of Tokyo."

Mr. Ogawa, the would-be carpenter, put it a bit differently, and this may explain as much as anything the drift to the crowded cities: "It's hard to be cool in a small town."

Body Politics

Eternal Rest? Not in Argentina.

By CALVIN SIMS

ETCHED in Latin above the white marble columns of the majestic Recoleta Cemetery, burial place of Eva Perón and other rich and powerful Argentines, is the familiar wish that they will rest in peace.

But in fact, few of the famous buried there, or elsewhere in Argentina, have found much rest in the afterlife. The corpses of many of the nation's central figures have been repeatedly exhumed, mutilated and exploited for political and financial gain.

Some have become the targets of bitter family and political rivalries, leading to fights over control of the remains and underscoring what many in this country believe is a preoccupation with the dead.

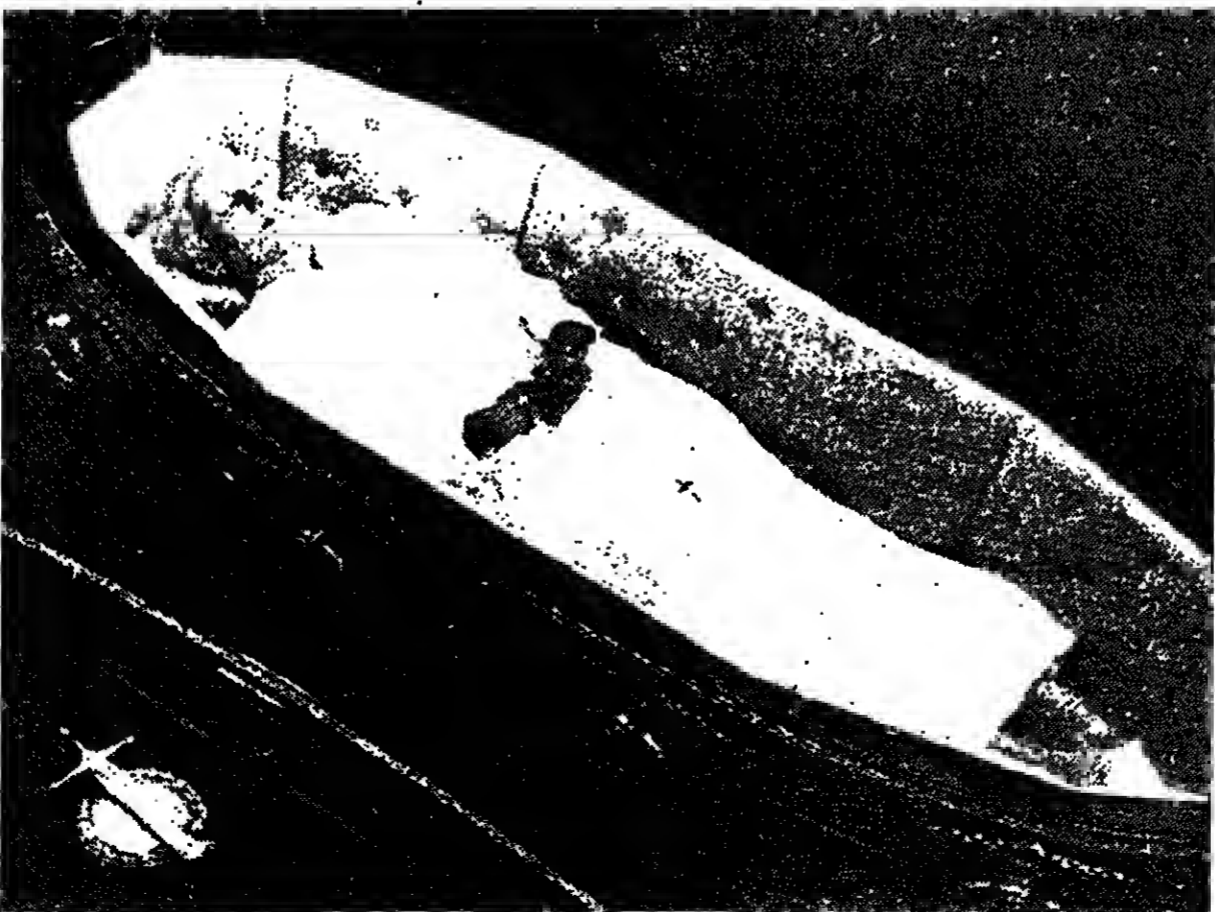
Take the case of Gen. Juan D. Perón, the legendary strongman of Argentina and husband of Eva. In 1937, thieves broke into his tomb, sawed off his hands, and demanded \$6 million in ransom for them. Peronist labor leaders called a protest rally that was attended by an estimated 50,000 people, and Argentine newspapers lamented that the theft of the general's hands reflected a national tendency toward fascination with the dead.

The DNA, Please

Last month, General Perón's remains were once again disturbed when a court ordered them exhumed for DNA testing demanded by a woman who claims to be his illegitimate daughter and is seeking a piece of his estate. (The General's relatives objected that he was sterile and had no children at all, but that didn't stop the tests. Results are expected any day now.)

The remains of General Perón's second wife, the famous Eva, did not fare much better. After her death from cancer in 1952, her embalmed body was transported across Argentina, to Europe, and back to Argentina in a bizarre two-decade-long fight for possession between political forces.

So beloved was the philanthropic Eva by the masses that the military leaders who overthrew her husband in 1955 confiscated her body to keep opposing political forces from using it to rally the populace. But in 1974, the Montonero guerrillas, who had emerged from a leftist Peronist youth group, stole the coffin of a general who had been instrumental in sending Eva's body out of the country, and demanded it in exchange. (The general was later returned without the demand being met.)



In 1974, Eva Perón's embalmed body was returned from Italy and put on display next to her husband's coffin.

Tomás Eloy Martínez, an Argentine who has written about the Peróns and what he calls "the Argentine necrophilia," suggests in his best-selling novel, "Santa Evita," that a colonel assigned to guard Eva Perón's body developed such a fascination with it that he had sex or some other sort of physical contact with the corpse.

While many cultures display a fascination or reverence for the dead, few can match Argentina's devotion — an attribute that has long been exploited for financial and

political profit. In 1989, as a prelude to granting presidential pardons to military officers for political crimes, President Carlos Saúl Menem returned to Argentina the remains of the most famous of the country's 19th century provincial warlords, Juan Manuel de Rosas, who had died more than a century before in exile in England. The body received the honors accorded a former chief of state, even though Mr. Rosas never officially held that position. Mr. Menem,

apparently worried about a public backlash against the pardons, was presenting the case to Argentines as an example of the futility of nurturing old grudges.

In his novel "On Heroes and Tombs," the Argentine writer Ernesto Sábato describes in vivid detail how followers of Gen. Juan Lavalle, an important revolutionary figure, took his rotting heart and head from Buenos Aires, where he had been killed, to Bolivia on horseback.

Argentina's enchantment with the dead is not limited to historical figures. When President Menem's son, Carlos Jr., died last year in a helicopter accident, federal investigators concluded that the helicopter was flying too low and got caught in a power line. But the President's former wife, Zulema Yoma, has contended that her son was killed by organized crime figures associated with her ex-husband's Government. She petitioned the court to have her son's remains exhumed from the family tomb for a new autopsy, and a television station broadcast the exhumation live. The autopsy report said he died as a result of the crash, but his mother said she remained convinced that he was murdered.

Unburied Conflicts

Alberto Parkes, a psychologist, attributes his nation's obsession with the dead to its inability to resolve its troubled past. "The dead are kept very much alive because Argentina has not come to terms with its own history," he said. "This speaks of the immaturity of a society that doesn't seem to be able to bury its conflicts and get on with life."

Indeed, sociologists and psychologists here have noted that Argentina suffers from a melancholy in which the society feels that events have conspired against the country to prevent it from achieving its full potential. About 50 years ago, it was among the 10 most affluent countries in the world, but a long descent followed, attributable to successive military coups that led to finally emerging from this period, but it has yet to come to terms with the military's "dirty war" of 1976 to 1983, in which some 4,000 people were killed and about 10,000 others vanished in a crackdown on leftist dissidents.

Meanwhile, Argentines eagerly await the results of General Perón's DNA test, with the prospect of a juicy legal fight over the Perón estate if the test is positive. The timing could not be better. The heavily promoted movie version of Andrew Lloyd Webber's hit musical "Evita," starring Madonna, is scheduled for release in December. It promises to give new meaning to Evita's most famous saying: "I will return and be millions."

The Nation



Nella Pearl Frierson used to braid hair at home. After getting business training, she opened Pearl's Braid Shop in Nashville.

What Works

Farewell, Welfare State

By RONALD SMOTHERS

WHEN the deadline approached for states to file their plans for complying with the new Federal welfare legislation, Tennessee was ready. Submitting a 60-page plan that reflected its reputation for innovation in improving and cutting costs in programs for the poor, the state was one of only 25 that met the Oct. 1 deadline. Most others, including New York, are going to be late.

And it's not just those states that aren't ready. Seronya Bell, a 21-year-old mother of two in Nashville, sees denial all around her. "This welfare reform is for real, but some people are playing it off like it isn't going to happen," she said.

Anticipating the End

Ms. Bell completed a program here, privately run and subsidized by the city and state, that trains welfare recipients to be cashiers and store clerks. It began three years ago, well before today's much-heralded new world without welfare as we know it.

The training project has not only been adapted and broadened for the new welfare law, but it has also been made a part of another new program: the Federal Empowerment Zone/Enterprise Community Program, which channels funds to economic development in poor neighborhoods.

For some officials, Nashville, with its South Nashville Enterprise Community, is an advertisement for the Federal program, which both Vice President Al Gore and his opponent, Jack Kemp, lauded in their debate Wednesday.

Began two years ago, the empowerment zone program challenged cities nationwide to compete for funds by bringing local money and businesses together to promote jobs and economic independence. The grand prize, \$100 million in Federal aid that could be drawn over a 10-year period, would be earmarked for six urban areas to be

designated "empowerment zones."

Cities that fell short of the big prize would be eligible for a \$3 million prize that could also be spread over 10 years, although most cities would want to collect it far faster. Most of the cities that applied reasoned that, having already done the hard work of assembling their resources, they might as well go forward with a more modest scheme.

It was a decision that Federal planners hoped they would make. Even without the grand prize, Nashville and 94 other cities now have job development programs that run mostly on their own power with state and private funds and with just a little Federal grease.

"Nashville is getting \$3 million in Federal money which they have leveraged into more than \$30 million in funds for the enterprise community," said Andrew Cuomo, the assistant secretary for economic development in the Federal Department of Housing and Urban Development, which oversaw the competition.

Tennessee has been a leader in programs for the poor. Its two-year-old TennCare program has received high marks for providing managed care to about 750,000 people, including many of the working poor as well as former Medicaid recipients.

In Nashville, the enterprise program brought together several ideas that had already proved successful. The local housing authority, which runs the enterprise community program, approached the directors of a job training and employment program for welfare recipients run by Dollar General Stores, the discount chain, and the Nashville Y.W.C.A. This program, which started out as a simple literacy program for residents in a public housing project who received welfare, had blossomed into a larger effort that had successfully trained 88 people like Ms. Bell, now a full-time employee of Dollar General.

Nashville also brought in a small-business training firm, Total Rededication and Commitment, which had a four-year-old program called "Working Smart." This program was already helping welfare recipients turn some of their homegrown and often illegal businesses — hair braiding,

baby-sitting and baking — into legitimate operations.

Then the city relocated these programs to South Nashville, an area of about 14,000 people in the shadow of the elevated roadways of Interstate 40, where 42 percent of the residents live in poverty and 12 percent are unemployed. There, the city set up satellite branches of the police, fire and code enforcement departments, plus offices for the case workers from the Tennessee Department of Human Services.

It became apparent, after the city organized community planning meetings, that the enterprise center should also include locally owned businesses. The Dollar General Store, with its built-in training program for people on welfare, agreed to serve as an anchor for the center.

Like the Old Days

Jesse Clark, a retired airline baggage handler who has lived in the community for 32 years, recently stood in Charles Jackson's newly opened dry cleaning store at the center, recalling neighborhood streets once alive with nightclubs, markets, clothing stores and even half a dozen dry cleaners to choose from.

"People started moving out because they got the opportunity to do better, and you can't blame them for that," Mr. Clark said. "But it looked like everything just went down, and the businesses just couldn't make it anymore. But this is good, this cleaners. I think a lot of people will start coming here instead of driving two or three miles to the next nearest one."

The new storefronts also house a graduate of the "Working Smart" program, Nella Pearl Frierson, who received help with business skills and in setting up a business and finding commercial space. Her business, Pearl's Braid Shop, is next to Mr. Jackson's shop.

For about 15 years before that, Ms. Frierson said, she was doing braids at home and depending on welfare payments so she could be with her young children. Recalling that time, she said that not only was it limiting "but there was hair everywhere in my house."

For Hispanic Poor, No Silver Lining

By STEVEN A. HOLMES

WASHINGTON Federal agencies issued a torrent of cheery reports in the last few weeks about rising incomes, falling poverty rates and improvements in educational performance, one group bucked the trends: Hispanic people.

For the first time, in fact, a higher proportion of Hispanic people than of blacks were officially defined as poor — a consequence, in part, of dramatic increases in the income of black households, but also of declining incomes among Hispanic households. Now, experts are wondering whether Hispanic people, who for years occupied a kind of socio-economic middle kingdom between the relative prosperity of whites and the relative despair of blacks, are tumbling to the bottom of the country's economic heap.

Bittersweet for Blacks

Some blacks see the trends as bittersweet. They wonder whether, with so many blacks still mired in poverty, their plight will become even less visible if Hispanic poverty takes center stage. Yesterday, in what was billed as the first march of its kind, thousands of Hispanic demonstrators converged on Washington to demand more immigrant rights and a higher minimum wage.

Income figures help explain the demonstration. Recently, the Census Bureau reported that for the first time in six years, median household income rose for the country over all, increasing by 2.7 percent in 1995. The 3.6 percent increase in median black income was particularly dramatic. Meanwhile, though, median household income among Hispanics fell by 5.1 percent.

The overall proportion of people living in poverty dropped last year; the percentage of blacks who are poor dipped below 30 percent for the first time since 1959. Yet, poverty rates for Hispanic people didn't change.

Economists say a surge in Hispanic immigrants may be one reason for the overall decline in income among Hispanic people, but not the only one.

This month the Census Bureau reported that the proportion of young black adults who had completed high school had reached about 87 percent — reaching parity with young whites for the first time. But Hispanic youngsters lagged behind at 57 percent.

According to the Bureau of Labor Statistics, the unemployment rate for Hispanic people, which was generally much lower than for blacks in the 1970's and 1980's, matched it in 1995.

So more spotlights are being focused on the Hispanic households that are lagging behind in economic and educational achievements. "When a group goes down in a relatively good economic year, I think more people tend to notice," said Chuck Nelson, assistant chief of the Housing and Household Economic Statistics Division of the Census Bureau.

And all the depressing news comes at a time of increasing Hispanic political agitation in the wake of legislation passed by Congress on immigration and welfare.

The Immigrant Question

The key question is, to what extent are high levels of immigration pulling down the overall economic performance of Hispanic people? Given the current atmosphere surrounding immigration, the dispute is more than just a scholarly exercise.

"It's so politically charged," said Steven Camarota, a resident scholar with the Center for Immigration Studies.

The recent Census Bureau report indicated that median household income among all native born people increased last year by 3.7 percent, while the income for households maintained by foreign-born individuals re-

mained unchanged. And several recent studies, including one by the Bureau of Labor Statistics, indicate that the large wave of immigrants has driven down wages among low-income workers, a segment of the population in which Hispanic workers — native born and immigrant — are heavily represented.

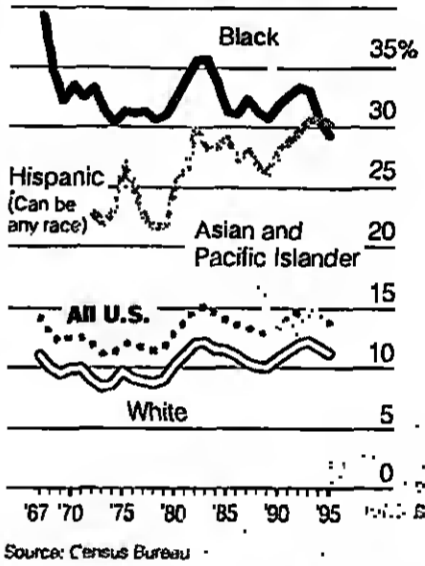
But other factors may be at work. Hispanic advocacy groups like the National Council of La Raza point out that, among Hispanic people, Puerto Ricans have one of the highest rates of poverty. They make up more than 10 percent of the Hispanic population and, by definition, are native-born citizens.

Researchers also point out that while high school completion rates among Mexican-Americans, by far the largest group of Hispanic people, jump dramatically between first and second generation immigrants, the rates stagnate among third generation Mexican-Americans — those whose parents were born in the United States. Indeed, for some groups, including those aged 25 to 29, the high school dropout rate is higher among third generation Mexican Americans than it is among their parents.

The current demographics of the Hispanic community also bring down the median

Who's Poor

Percentage of people in each racial or ethnic group that were living at or below the poverty level. The earliest data available for Hispanic people was for 1972; for Asians and Pacific Islanders, it was 1987.



Made of Broken Promises

Continued From Page 1

eyes to this simple truth.

"They persuaded me to look at the area in a new way, to see things you never read about in the papers," said Mr. Pinedo. "I can tell you, at first I really didn't even want to look. I said: 'I grew up there. I don't want to go back.'"

In addition to finding numerous other manufacturers and suppliers, he said, he found a large and willing work force eager for jobs paying about \$8 an hour. He found, in short, an economic backbone that outsiders, including many of the city's political and business leaders never knew existed, but is now the quiet focus of a potentially more deep-rooted effort to bring new life to South Central and the other damaged neighborhoods.

A Failed Approach

Most experts now agree that the original approach of Rebuild L.A., while well intentioned, was misguided because of ignorance about the local economy. The first chairman, the former baseball commissioner Peter Ueberroth, who quit after a year of criticism over a lack of results, was brought in partly because of his business contacts. He lined up commitments from big corporations like I.B.M. and Hughes Aircraft on the assumption that only major private investment from outside could transform the area, and he proclaimed that his program would be a prototype for the nation.

Some of those investments were quite successful in providing jobs and training, but within a year, some of the other companies denied ever making the commitments and the effort was clearly in trouble.

"Those announcements were window dressing," said Juanita Tate, head of Concerned Citizens of South Central Los Angeles, which has been building low-income hous-

ing. "A lot of these companies would sing in the choir on Sunday morning, but at the Wednesday prayer meeting, they weren't there."

Rebuild L.A. hit on one of its first and, some argue, most enduring successes in 1994 when it brought in a new president, Linda Griego, a former deputy mayor for economic development, who proposed a survey of businesses in South Central, Pico-Union and other riot-damaged areas near downtown Los Angeles.

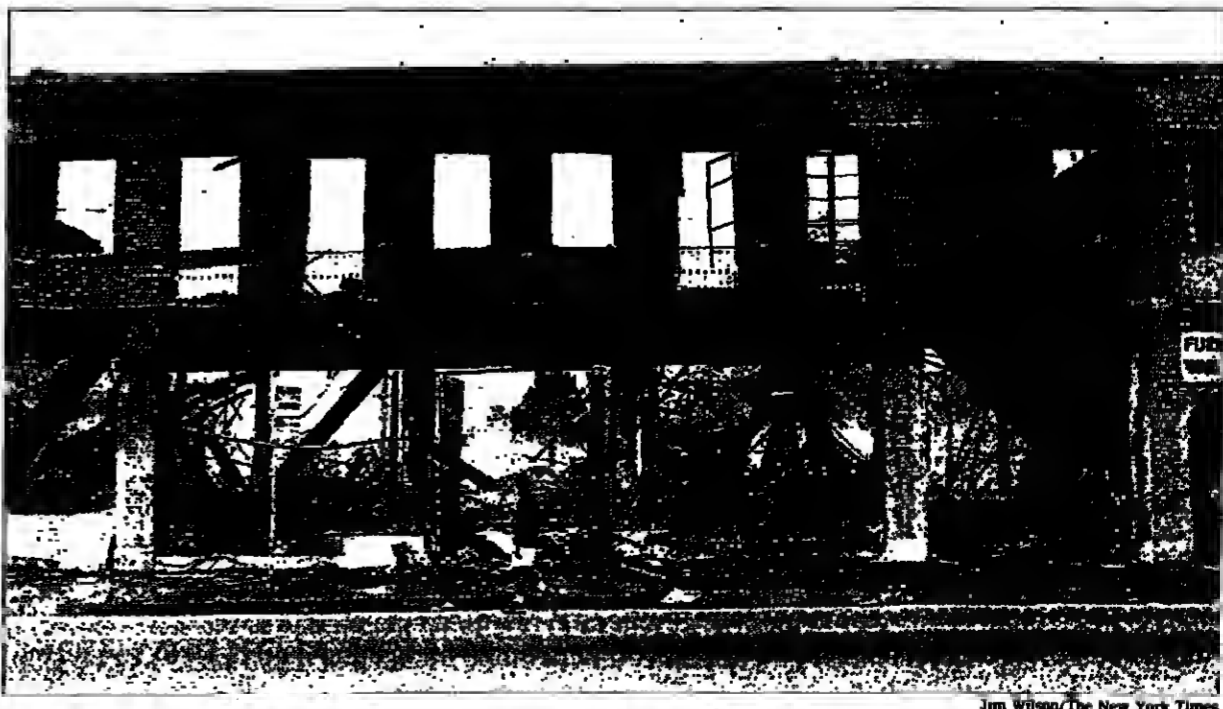
"When I asked about a survey, there was disbelief," Ms. Griego said. "People said I had to be a sort of Don Quixote. But it was clear that the original programs weren't working and all we had was just anecdotal stuff, like, 'We know there's a factory on this corner.'"

The surveys were conducted during the last two years, and the results astonished many people.

According to one report by two professors at California State University at Los Angeles, released early this year, there are about 317,000 jobs in the damaged areas, of which 222,000 are held by local residents — an insufficient number, but a solid base that many believe can be built on. Those areas have 87,000 manufacturing jobs, or 10 percent of the county's total, mostly in shops with 50 or fewer employees. Nearly half of those jobs are in the garment industry, while many others are in the furniture, retail and metal fabrication industries.

"The conventional wisdom was that the factories had long since closed down and moved elsewhere," said Allen J. Scott, associate dean of the School of Public Policy and Social Research at the University of California at Los Angeles. "It took us a while to realize that there were a lot of jobs, perhaps not quality jobs, but jobs nonetheless."

Rebuild L.A. eventually refocused its work on two programs, one to bring retail stores to the areas by assembling large sites, and another to bring information and expertise to the thousands of small manufacturers so



A row of burned out stores in South Central Los Angeles in 1992.

they could improve their product quality and wages. Those programs will now be taken over by a group of local community colleges.

Mr. Pinedo, for instance, said he realized his company could never undercut the prices of manufacturers in places like Taiwan, so he has focused quite successfully on original designs and more expensive couches, chairs and other furniture. Wages are rising.

There are still grave concerns about the poverty and hopelessness of these neighborhoods, and Ms. Griego,

Professor Scott and several other civic leaders think rioting could break out again, given the right spark. Still, Ms. Griego said, there had been progress of a sort. "The point is to create upward mobility," she said. "You have to have a sense that things can get better, and that is happening on some scale."

"That never happened before because there was this wall of ignorance," she added. "It's almost like two people being introduced for the first time after just hearing rumors about each other."

The Nation A Big Issue

Continued From Page 1

deal-breaker," said Ann Lewis, deputy manager of the Clinton campaign, who added that most voters were more concerned with everyday pocketbook issues.

Meanwhile, Mr. Clinton, the first Democrat since Lyndon B. Johnson to fill vacancies on the Supreme Court, has been so careful to pick moderates that it was difficult for the Republicans, including Mr. Dole, to make them an issue. After all, Mr. Dole voted for the confirmation of Justices Ruth Bader Ginsburg and Stephen G. Breyer, as well as virtually every one of the President's appointees to the Federal bench.

"If Clinton had appointed the liberal equivalents of Thomas and Antonin Scalia, then he might have scared Republicans," said Robert A. Carp, a political scientist

Clinton's choices for the Supreme Court would be difficult for Dole to assail.

at the University of Houston and an expert on the judiciary. "But the main criticism of Breyer was that he had too many holdings in Lloyd's of London."

In a campaign season, raising the Supreme Court as an issue is often most useful for Democrats who want to energize their constituencies, notably feminists and homosexuals, who watch the Court closely on issues related to their personal lives. But the closest the Democrats have come this year to making such an appeal was Vice President Al Gore's declaration at the convention that Republicans "want a President who will appoint the next three Justices of the Supreme Court so they can control all three branches of Government and take away a woman's right to choose."

Right now, Mr. Clinton is so far ahead in the polls that he does not particularly need to take up the issue — and invite the Republicans to attack him anew as a liberal. The President may also be reluctant because he was widely ridiculed for imperiling judicial independence last March when he hinted that he might ask for the resignation of Judge Harold Baer Jr. of the Southern District of New York, who was widely criticized for throwing out evidence in a drug case.

And if Mr. Dole has not focused on the issue, it is in part because many conservatives no longer view changing the Court as integral to their political strategy. Many foes of abortion, for instance, think it is



Visitors waited for the Supreme Court to open last Monday morning, the first day of the new term.

fruitless, for now, to try to overturn the Supreme Court's decision permitting abortion and are instead pressing their causes legislatively — like the effort to ban late-term abortions.

At times, the Court has been a prominent issue in Presidential campaigns dating back to Jefferson. Abraham Lincoln was carried to the White House in 1860 by hammering at the Dred Scott decision on slavery. Richard Nixon vowed in the 1968 campaign to remake a court that he accused of "strengthening the criminal forces." Ronald Reagan campaigned in 1980 and 1984 with a vow to work to overturn the Supreme Court's 1973 decision permitting abortion, as well as earlier rulings forbidding officially sanctioned prayer in public schools.

Four years ago, Mr. Clinton campaigned vigorously for what he said was "an America where we have a Supreme Court which will respect our Constitution,

protect women's right to choose and protect the rights of all Americans." He was lambasted by President Bush at the Republican convention in 1992 for dangling the prospect of naming Mario Cuomo as a Justice — something Mr. Clinton would not dare do this year.

Scott Reed, Mr. Dole's campaign manager, said that his candidate's references to "liberal judges" in speeches in April and May had "clearly struck a chord" and that he continued to make the point in campaign appearances. But he said Mr. Dole had no intention of floating names of his own possible choices.

Both candidates are well aware that voters who struggle to name their representative in Congress are certainly not about to base their Presidential vote on a potential Supreme Court vacancy. As Mr. Carp put it: "The court is an amorphous blob to most Americans. More people know who Judge Wapner is than Chief Justice Rehnquist."

In a Debate, It's Themes, Not Facts

By DAVID E. ROSENBAUM

WASHINGTON
TO the untrained ear, the debate last Sunday night between President Clinton and Bob Dole and the one Wednesday night between Vice President Al Gore and Jack Kemp must have sounded like people reciting gibberish.

What they kept saying was so clearly repeated by rote (10½ million new jobs, risky \$500 billion tax cut scheme, cut taxes 15 percent across the board, balance the budget, Family and Medical Leave Act) that it was difficult to sort out their actual intentions.

But the fact is, if you disregard all the memorized statistics and carefully rehearsed one-liners, you can get a sense of the differences between the candidates and the parties. This much seems clear:

If they get elected, Bob Dole and Jack Kemp can be expected to do their damndest to get Government out of people's hair. "We're going to give them a tax cut," Mr. Dole said, "so they can spend more time with their children, maybe even take a vacation. That's what America's all about." Bill Clinton and Al Gore, if elected, would stress the ways the Government can improve people's lives. "How can we help people," Mr. Clinton said, "to get their retirements when they work for small businesses, to be able to afford health insurance, to be able to educate their children? That's what I focus on."

Of course, Mr. Dole might not be able to pull off his plan to cut taxes and balance the budget. To do so, he would have to accomplish a seemingly impossible task: reducing the Government's onerous operating costs, which include everything from the F.B.I. to hurricane tracking to air traffic control, by about one-third.

And as a lame-duck President, Bill Clinton might not stick to the peanuts he tossed out in the debate, like giving parents time off without pay to attend school functions, and instead push big new social programs.

But Mr. Gore's litany of "protecting Medicare, Medicaid, education and the environment," and Mr. Kemp's mantra of "lower tax rates across the board on working and saving and investing" draw as good a

Cases can be made for — and against — each side's views on the '93 tax and Medicare.

distinction as this campaign has provided about where the two camps differ and where the debate may resume in four years. For all the candidates' efforts to cast themselves in the center of the American ideological orbit, they represent the essential views that have dominated their parties for most of the century. Like every Democratic President since Woodrow Wilson, Mr. Clinton favors an activist Government. Like every Republican since William Howard Taft, Mr. Dole wants to rein the Government in.

That having been said, it is impossible to watch the debates — including, undoubtedly, the final face-off this Wednesday — without trying to figure out who has got the facts straight.

Consider, for example, the Democrats' claim that Republicans would ruthlessly cut spending for Medicare, the health insurance program for the elderly and disabled. And then consider the Republicans' rebuttal that their plan would actually increase spending on Medicare, merely slowing its rate of growth slightly, while Democrats would allow the program to go broke.

Somebody must be stretching the truth, right? Wrong. The truth about Medicare, and much else in the debates, is more subjective than straightforward.

Here are the facts about Medicare: In the fiscal year that ended last month, the Government spent \$195 billion on the program. The cost has been rising by about 10 percent a year, much faster than private health-care costs. The Congressional Budget Office estimates that if the program is not changed, it will cost \$329 billion in 2002, the year when President Clinton and Mr. Dole have promised to have a balanced budget. Put another way, the amount the Government spends per beneficiary would rise to about \$8,400 in 2002 from \$4,800 now.

Moreover, Government actuaries reported last summer that the trust fund that covers hospital costs under Medicare would run out of money by 2001.

The Republican plan is to hold down spending so that in 2002, the cost will be \$244 billion and the cost per beneficiary \$6,700. That would stave off bankruptcy, the actuaries figure, until 2007. Republicans say that taking spending from \$195 billion to \$244 billion is an increase.

Democrats respond that if, as the budget office calculates, it would cost an average of \$8,400 to give retirees the medical services they receive now and if Republicans lower that to \$6,700, the result is a cut.

Different Dollars

The Democrats draw this analogy: to 1987, before the end of the cold war, the military budget was \$282 billion. It was the same in 1994. But no one would say the military budget wasn't cut. With inflation, the same money bought less in 1994. The number of troops, for instance, declined to 1.6 billion from 2.2 million, and the number of Navy fighting ships fell to 387 from 568.

In the same vein, a case can be made for both the Republican contention that the Clinton tax increase in 1993 was the biggest in history and the counter by Mr. Clinton and Mr. Gore that the Democratic budget actually cut taxes for 15 million working families.

The Clinton legislation in 1993 raised taxes by \$241 billion over five years. In 1982, a bill sponsored by Mr. Dole and signed by President Ronald Reagan raised taxes by \$215 billion. But in 1993 dollars, the 1982 tax increase was worth \$286 billion.

So in actual dollars, the 1993 measure was the largest tax increase in American history. But adjusted for inflation, it was smaller than the one in 1982.

The 15 million families who in the Clinton-Gore version got a tax cut were those who benefited from a program that reduces the taxes of low-income workers and gives cash payments to those who earn too little to take advantage of a tax reduction. Republicans consider this a welfare subsidy, not a tax break.

In the final analysis, establishing the truth in these debates is a futile exercise. It is too much like proving a religious doctrine. The best bet is to ignore the precise charges and countercharges and look for the themes.



The devilish populist: Senator Huey P. Long in the 1930's.



The spellbinder: General Douglas MacArthur addressing Congress in 1951.

When Oratory Wasn't Mush

Continued From Page 1

ship, grandstanding and blunders.

Will President Clinton be caught in a character onslaught, as promised by Bob Dole for this week's second Presidential debate? If so, the President could do worse, and surely no better, than Franklin Delano Roosevelt did when he nipped back at relentless Republican character attacks, offering up his "Fala" speech of hilarious belittlement. ("These Republican leaders have not been content with attacks on me, or on my wife or on my sons," Roosevelt declared in mock high dudgeon, his patrician cadence impishly slowed. "They now include my little dog Fala.")

Empty Caveats

Today strategists would likely focus-group the relative pet appeal of Socks the cat before crafting a riposte, which would include a caveat that, please understand, the President's amusing defense of the feline implies nothing against dog owning voters.

These days, White House specialists are content with the modulated, unflappable, fact-and-slogan-crammed Presidential image that Mr. Clinton has adopted as his campaign alter ego. But the very thing his aides fear sounds much more interesting — "high jabbawocky" is their private term for it, Mr. Clinton's weakness for rambling uncontrollably after a long speaking day, jerry-building some hortatory bridge in Nirvana. His leap last week from the Internet to "newborn babies with a genetic map in their hands" showed some promise. But it doesn't compete with the classic jabbawocky of Gerald L. K. Smith, a preacher-acolyte of Long's underclass exploitations, in his 1935 third-party warning to Establishment politicians that "the arm wavin', baby havin', stump grabbin', sod bustin', go-to-meetin', God fearin' American people are about to take over the United States Govern-

ment of America!"

An oration might be judged great as much for the speaker's appetite for scenery chewing or crowd pleasing as for its reasoned content. After listening to Bob Dole's repeated references to war wounds he claims he is hesitant to talk about, after Al Gore's abject tributes to the President's greatness, sample some old-style hamminess with a cassette fix of the spellbinding tone of Gen.

These days, Presidential candidates, in their restless centrist ambitions, can no longer afford to have a signature oration.

Douglas MacArthur. He does his own death scene, a Thespian tiddling strophic farewell before Congress as "an old soldier who tried to do his duty."

The very first orator to be heard on the tape, Senator Robert LaFollette Sr., stands before the camera 72 years ago and delivers a merry-faced, stentorian variation on "The Speech," his career-long basic address on progressivism that he adapted across time, the rock he never abandoned.

It reminds the listener that Jack Kemp has similarly fashioned his singular, wordy paean to unfettered capitalism across a career; how troubled he seemed in snipping it into sound bites in his debate with Mr. Gore. It also underlines the fact that neither Mr. Dole nor the Presi-

dent, in their restless centrist adjustments, can afford to have fixed signature orations.

A listener hunting out flawed humanity on the hustings can hear Hubert H. Humphrey caught pandering to a group of farmers by zinging the Eastern media Establishment. "They don't know the difference between a corn cob and a ukulele," he happily yaps. Today, of course, his fun line, caught in the transcontinental miasma of modern campaigning, would only produce another boring "gaffe" story.

Nelson Rockefeller is on the speech reel not so much for speaking as for being booed at the 1964 Republican convention as he tried to speak. Richard Nixon's talent for perverse prophecy is clear. "I'm no quitter," he huffs in his career-saving Checkers speech to retrospect, that speech is most fascinating for the cutaway shot to his loyal wife Pat sitting there in patient mootones, surely the long-suffering originator of that great American rictus gaze of all political wifedom.

Taming the Savage

Listen, has there been a more gently cobbled speech of greatness than Robert F. Kennedy's remarks in suddenly having to tell a black crowd in Indianapolis that Martin Luther King Jr. had just been assassinated? He invokes the mournful hope of classical Greece "to tame the savagery of man and make gentle the life of this world."

Harking back, a listener hears old lines ringing forward eerily into the latest debates: "Government is not the solution to the problem," Ronald Reagan sternly declares. "Government is the problem." Then again, some lines ring forward in simplest lyrical advice to the ear of the latest orators: "Let us go forth to lead the land we love," says John F. Kennedy one bright day past.

انوار من الاصل

ECONOMY

Some Humbling Times For a Giant in High Technology

By BARNABY J. FEDER

FEW giant companies grow as fast as Motorola Inc. did in the early 1990's. In just the three years ending last December, sales of Motorola's semiconductors, cellular phones, pagers and other electronic equipment more than doubled, to \$27 billion, and profits nearly quadrupled, to \$1.78 billion.

Wall Street probably would have been surprised if the torrid pace had continued this year, but it was stunned by what actually happened: after announcing disappointing second-quarter earnings that helped set off a run on numerous other technology stocks in July, Motorola on Monday reported a 5 percent decline in revenue and a 58 percent plunge in profit for the third quarter. It also warned investors to expect more financial stress in the fourth.

The bad news is coming from many directions. World semiconductor demand, which had been expected to grow at double-digit rates this year, has instead tumbled 10 percent. Motorola's biggest wireless communications business, cellular telephones, has been wracked by price wars and slowing sales. And several new products, like two-way pagers and devices to allow Internet users to plug home computers into cable-television networks, have had a weak start.

Has the time come for Motorola's heralded engineers to design a panic button? Fleeing investors, who have hammered the stock from \$82 a year ago to \$48.75 at the closing on Friday on the New York Stock Exchange, might think so. Don't suggest it, though, here at Motorola's campus-like headquarters in this suburb 30 miles northwest of Chicago.

"This is not some start-up suddenly hitting a brick wall," scoffed Robert L. Growney, an executive vice president who oversees paging devices, Internet-related products and other businesses that generated \$3.7 billion in sales last year. "We've been through things like this several times and we know what to do."

Since its founding in 1928, Motorola's reassuring track record of getting out of tight spots certainly has encouraged such bold claims. Just as certainly, though, this year's setbacks have shattered the aura of invincibility that had been gathering around the company and underscored the increasing challenge it faces in staying nimble enough to pick out and master the most valuable 21st-century technologies.

Motorola's initial success came as a manufacturer of car radios in the Great Depression. Since then, it has deliberately reinvented itself time and again by making long-term bets on new electronics and communications technologies before competitors recognized their vast market potential. Motorola consistently

plows 9 percent to 10 percent of its revenues back into research and development. The transitions have not always been smooth — the company has had to dump major businesses, like color television sets, and it has even gone through spells of red ink — but there have been more growing pains than outright mistakes.

The company's adaptability has won it high praise among management experts. James O'Toole, a seminar organizer at the Aspen Institute who formerly ran the Leadership Institute at the University of Southern California, says Motorola has "probably done the best job of any large U.S. corporation at institutionalizing change."

Currently, wireless communications products are its core business. It also offers many related services, like network design, and it is expanding into products for wired technologies like cable television. Just under 30 percent of its sales comes from its sprawling semiconductor operations, estimated by analysts to be the fourth- or fifth-largest in the world. About 20 percent of the microchips go into Motorola's own products, which include not just communications equipment but also computers, ballasts for fluorescent lights, auto components and the electronic brains in everything from dishwashers to electronic-cash and other programmable "smart cards."

When times get tough, Motorola's strategy is to tighten its belt enough to get by without sacrificing investment in the new ventures that it believes will take it to new heights. And nothing that has happened this year has led it to rethink the vision that has guided it since the 1980's of a world where people want to be able to send and receive information anywhere, anytime and in any imaginable form, from voice to high-speed data transmission. In such a world, devices like pagers, cellular phones and radios would connect seamlessly with wired computer, phone and cable TV networks over pathways ranging from short-distance radio transmission to satellites.

Motorola figures that such a roomy universe of opportunity will allow it to expand its techno-empire at a 15 percent annual clip, doubling revenues every five or six years, just as it has for the last two decades. "We have the right things to grow across the board," said the 57-year-old Gary L. Tooker, Motorola's chief executive officer since late 1993. "We live in the world of the sound bite and the short look, but we don't look at it that way."

Maintaining that long perspective is one of the many shared responsibilities of top executives at Motorola, which has increasingly taken the view that senior management should coach rather than direct business operations.

Wall Street loves grand goals like Motorola's, but it is getting worried about how realistic they are. Motorola's sheer size requires ever bigger — and riskier — investments for it to meet its growth targets. And the events of the last year have opened a window on the many ways plans can go painfully off track.

AT A GLANCE

Motorola Inc.

Schaumburg, Ill.

Manufactures wireless communications, semiconductors, advanced electronic systems like cellular telephones, two-way radios and pagers.

Employees 142,000

FINANCIAL INDICATORS

Friday's close \$48.75

52-week low; high \$44.75; \$68.875

Market capitalization \$28.9 billion

1995 sales \$27.0 billion

1995 profit \$1.78 billion or \$2.93 a share

Estimated 1996 earnings analysis' consensus \$1.97 a share

Debt-to-capital ratio 24.3%

Motorola vs. S. & P. 500

Price to estimated 1996 earnings 24.7 17.4

Price to book 2.5 4.3

Dividend yield 1.0% 2.1%

Sources: Bloomberg Financial Markets, Datastream

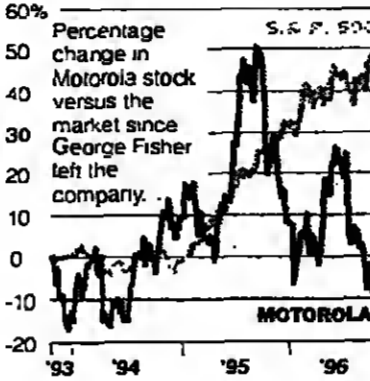
THINGS TO WATCH

The next few quarters could be hurt by weak demand for chips and a delayed launch of a new satellite network

SEGMENT INFORMATION

Revenues in billions of dollars: Other 3.9%, Land mobile 9.0%, Messaging 8.4%, Semiconductor 14.3%, General systems 11.9%

STOCK PRICE



Windows 95, the NT system can run on the Power PC as well as on Intel's competing Pentium microprocessors. But delays in the introduction of the NT gave Intel and Intel-clone designers working with Windows 95 time to engineer enhancements that left major computer makers little incentive to convert to an NT/Power PC platform.

Other Motorola problems this year are harder to blame on customers. Motorola was slower than its major rivals, Nokia of Finland and L. M. Ericsson of Sweden, to respond to aggressive price cutting by Japanese competitors in the market for cellular telephones. That cost market share as well as profits.

The Europeans were already on the global offensive because the standard for new digital cellular services that they pioneered has established a far broader market than a competing standard invented by Qualcomm Inc. of San Diego and favored by Motorola. Digital cellular services offer a variety of advantages, including clearer calls, privacy and — once networks are built up — connections that are more reliable. The European method of packaging and sending the digital signals cannot handle as many channels as Qualcomm's — but it is simpler — and that helped it get to market four years earlier.

"Motorola can catch up, but we have established market share," said Anders Torstensson, general manager of cellular phones for

Ericsson's American subsidiary. While Motorola once dominated the analog market in the United States and retains a clear if shrunken lead, Mr. Torstensson figures it will end up no better than neck and neck with both Nokia and Ericsson in the digital market, which now accounts for a majority of new subscribers.

There are other signs that Motorola is no longer nimble enough in many areas to achieve the kind of clear-cut technological and price advantages that made it so dominant in the first wave of cellular expansion. Take, for example, the market for equipment that phone companies are now buying to build networks using the Qualcomm standard, known as code division multiple access, or C.D.M.A.

"We are very pleased with Motorola's equipment in Los Angeles, and we are using it in San Diego," said Gloria Everett, vice president of network engineering for Airtouch Communications, which is developing C.D.M.A. systems in those cities. "But they haven't made it hard to use anyone else," she added, explaining Airtouch's decision last month to award a major C.D.M.A. equipment contract in Detroit to Canada's Northern Telecom.

Still worse, Motorola has fallen at least a half-year behind key competitors in developing handsets for C.D.M.A., allowing them to get a head start in phone orders from companies building the first systems.

Motorola executives freely acknowledge missteps. And the turn for the worse in the company's fortunes has forced them to cut costs. Construction of a \$1 billion factory to make Power PC chips in Virginia has been delayed by at least a year, and employment has been cut by 5 percent in semiconductors. Streamlining is in progress that will result in more layoffs and "tens of millions" in charges against earnings this quarter.

Motorola watchers are anxious to know what the company is doing to tighten its belt. But the crucial question is whether it has identified the root causes of the problem. They offer a variety of suggestions about where to look. "Clearly, part of the problem was a loss of aggressiveness as they rode their success wave," said an analyst at a major New York brokerage firm who insisted on anonymity for fear of angering Motorola. "I was disturbed at a trade show I went to this year about the lack of healthy paranoia among their salespeople and engineers about how good their competitors have become."

Howard Anderson, president of the Yankee Group Research Inc., a telecommunications market research company in Boston, said Motorola's size might be clouding its marketing judgment. "They have the best engineering talent in the industry but they are having problems with execution," Mr. Anderson said. "They seem to have lost their way in the technological maze."

A telecommunications market consultant, Herschel Shostack of Wheaton, Md., said Motorola had simply tried to do too many things and had fouled up the timing of its investment because "they've lost sight of their own experience that old technologies always deliver more than people expect and new ones always cost more and take longer to get to market than expected."

Arguably, Motorola executives are their own harshest critics. "Motorolans are viciously tough on themselves in internal discussions," said George M. C. Fisher, the former chief executive who left in 1993 to take on the challenge of turning around Eastman Kodak. "They have a pretty good system of avoiding denial."

Getting lost, overextended or ahead of the game are all dangerously easy in the world of high technology, of course. Some technologies, like the \$3.6 billion satellite communications network called Iridium that a Motorola-led consortium hopes to have running by 1998, take well over a decade to develop and the efforts are public from early on. Competitors have plenty of time to figure out refinements or variations that may allow them catch up or snatch parts of the market.

Motorola's strategy — and size — also force it into an ever-shifting and sometimes confusing array of alliances and battles with governments,

rivals and customers. Major communication and computer companies like NEC of Japan, Northern Telecom, Texas Instruments or AT&T are suppliers to some parts of Motorola, competitors to others and customers of still others. Business plans get buffeted by numbing tussles over which part of the airwaves should be allocated to various wireless products, what standards should be used so that different devices can interact with each other and other rules of the information game.

"Spectrum is the field where we grow our crops," said Richard W. Younts, Motorola's executive vice president overseeing Asian and Latin American operations, explaining the vital nature of activities like sparring with other telecommunications companies in Brazil and other developing countries over which radio frequencies will be assigned to new devices like two-way radio systems that can compete with traditional telephones in many applications.

To be sure, Motorola's rough sailing in 1996 also reflects some calculated risks that may look smart in the long run. For instance, it sacrificed 1996 sales of traditional analog cellular phones with what some saw as a heavy-handed attempt to regain control of retailing practices from cellular phone companies.

Many cellular companies had been giving away Motorola phones for little or nothing. Their strategy increased the number of cellular users but undermined Motorola's attempt to establish Motorola as a high-value brand. It also steered many consumers away from higher-priced Motorola products that they might have purchased if given the chance, according to Motorola research.

This spring, Motorola began insisting it would provide its new, hot-selling Startac unit of wearable cellular phones only to dealers who would set up a separate display carrying all Motorola phone products and undergo training in their features. Several customers, including GTE and BellSouth, took business elsewhere, and there were rumblings that Motorola had delusions about the appeal of its products.

James P. Caille, the executive in charge of deploying the new marketing plan, says it has been embraced by most dealers, and Motorola executives expect Nokia and others to eventually follow suit. Mr. Caille defended the new approach, saying Motorola spent "tens of millions" rolling out the plan and adding, "It's no different than what Toyota did with Lexus or Ralph Lauren does in a department store."

The whole subject of brand names and consumer consciousness is still relatively new at the company. Although well-known in the 1950's and 1960's for its Quasar line of color televisions, Motorola bailed out of that business when Japanese manufacturers attacked the American market. It stopped thinking of itself as a consumer company until the late 1980's, when public interest in pagers exploded.

These days, though, building Motorola into a worldwide consumer brand has become a major goal throughout the company; one worth risks like its expensive sponsorship of the Summer Olympics in Atlanta. The company has also recruited managers from consumer giants like Black & Decker and Mattel, and it welcomed John Pepper, a former chief executive of Procter & Gamble, to its board.

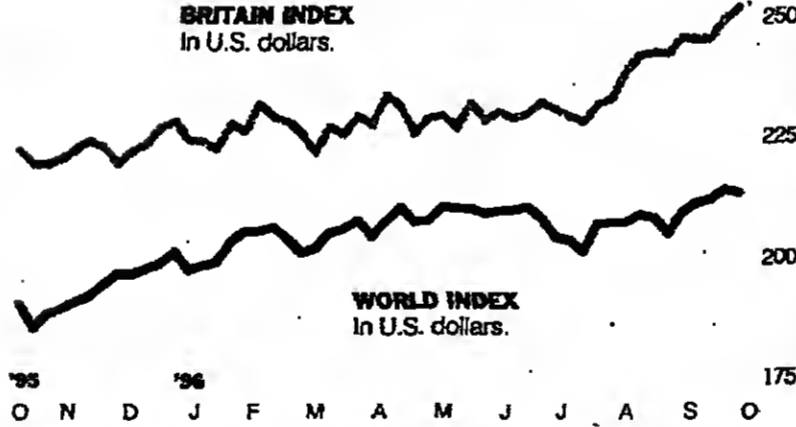
Motorolans are quick to say they have a lot more to learn. But there has been enough progress that when Mr. Tooker got together at the Summer Olympics with Mr. Fisher, the former chief executive, he kidded that he saw more Motorola equipment than Kodak cameras deployed around Atlanta.

Ultimately, though, Motorola's chances of hitting its shoot-for-the-stars 10-year target of \$100 billion in annual sales probably rest on management skills and employee relations as much as on engineering, manufacturing and marketing breakthroughs, as some of the company's own executives concede.

"As you get bigger, people have to get more and more things done by people who don't report to them," Mr. Younts said.

WORLD STOCK MARKETS

Country	IN U.S. DOLLARS				IN LOCAL CURR.			
	Index	Week % Chg.	YTD Rank	YTD % Chg.	Index	YTD % Chg.	YTD	
Australia	211.11	0.9	6	11.1	13	4.29	177.53	4.5
Austria	180.10	-0.5	16	3.2	22	1.96	143.27	10.4
Belgium	216.10	-1.3	19	3.3	21	3.97	168.14	10.8
Brazil	180.54	-0.5	15	30.9	1	1.85	341.13	38.2
Britain	255.57	0.9	5	10.9	14	3.92	240.53	9.3
Canada	175.68	0.8	7	18.4	6	2.07	172.13	17.4
Denmark	330.82	1.8	2	14.6	8	1.74	264.06	21.3
Finland	214.13	-2.9	23	14.5	9	2.43	205.67	20.6
France	198.34	-0.1	11	10.6	15	3.01	161.24	17.2
Germany	178.75	-0.2	13	9.2	17	1.74	142.32	16.8
Hong Kong	462.09	2.3	1	19.2	5	3.39	458.73	19.2
Indonesia	204.07	-3.3	24		27	1.73	290.57	
Ireland	304.54	-1.2	18	19.2	4	3.36	268.91	18.8
Italy	77.01	-3.3	25	4.5	20	2.35	87.60	0.3
Japan	142.30	-1.3	20	-8.1	24	0.76	100.42	-0.6
Malaysia	569.18	-1.6	21	17.3	7	1.20	549.23	15.8
Mexico	1,259.45	-2.3	22	21.6	3	1.33	10,497.68	20.3
Netherlands	308.22	0.6	8	13.0	12	3.05	241.58	21.1
New Zealand	86.88	-0.8	17	9.1	18	4.13	66.49	2.8
Norway	263.21	1.4	3	13.8	10	2.18	232.51	17.2
Philippines	185.46	-6.9	27		28	0.66	242.80	
Singapore	377.35	-3.8	26	-7.3	23	1.14	245.02	-7.7
South Africa	352.35	0.3	9	-8.6	25	2.19	349.94	14.0
Spain	182.12	-0.4	14	10.2	16	3.31	177.68	17.0
Sweden	391.10	1.0	4	25.3	2	2.24	382.04	24.8
Switzerland	247.85	0.2	10	5.0	19	1.53	192.84	14.5
Thailand	116.53	-11.0	28	-30.7	26	2.98	115.12	-30.0
United States	285.43	-0.2	12	13.8	11	2.08	285.43	13.6

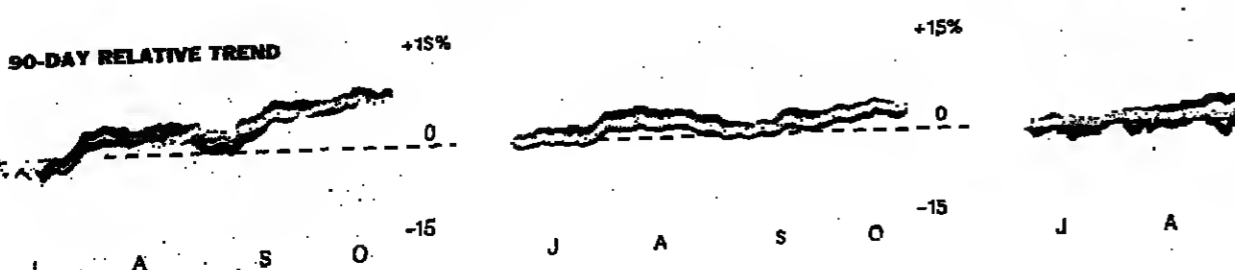


Prepared by Goldman, Sachs & Co. using data derived from the Financial Times/Standard & Poor's Actuaries World Indices, a measure of stock market performance. The FT indices are compiled jointly by The Financial Times Limited, Goldman, Sachs & Co. and Standard & Poor's, in conjunction with the Institute of Actuaries and Faculty of Actuaries.

Exchange rates	Friday	Last Friday	Week % Chg.	Year Ago
Japanese yen to the U.S. dollar	111.60	111.80	-0.17	100.97
German marks to the U.S. dollar	1.5307	1.5321	-0.09	1.4276
Canadian dollars to the U.S. dollar	1.3514	1.3543	-0.21	1.3385
U.S. dollars to the British pound	1.5750	1.5640	+0.70	1.5750

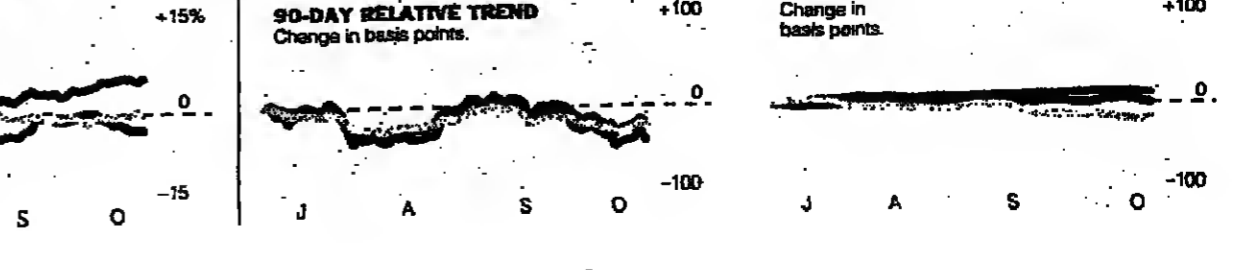
Oct. 7-11: The Dow Falls Short of 6,000, as the Bond Market Slumps

PRICES	DOMESTIC EQUITIES	DOMESTIC BONDS	AROUND THE WORLD
Broad market	Down 0.11%	Treasuries	Down 0.40%
S. & P. 500 index	700.66	Ryan Labs. Total Return	190.84
Blue chips	Down 0.39%	Municipals	Down 1.25%
Dow 30 industrials	5,969.38	Bond Buyer index	118.22
Small capitalization	Down 0.40%	Corporates	Down 0.41%
Russell 2000 index	347.89	Merrill Lynch Master index	826.65
		European stocks	Up 0.21%
		F.T.-Actuaries Europa	221.62
		Asian stocks	Down 1.04%
		F.T.-Actuaries Pacific Basin	157.82
		Gold	Up 0.21%
		New York cash price	\$383.40



YIELDS

BONDS	OTHER INVESTMENTS		
Long bonds	6.84%	Money market funds	4.81%
30-year Treasuries	Up 10 basis pts.	Taxable average	Down 5 basis pts.
Notes	5.91%	Bank C.D.'s	5.13%
2-year Treasuries	Up 8 basis pts.	1-year small savers	Down 1 basis pt.
Municipals	5.88%	Stocks	2.12%
Bond Buyer index	Up 9 basis pts.	S. & P. 500 dividend yield	Up 1 b.p.



Sources: Bank Rate Monitor, Bloomberg Financial Markets, The Bond Buyer, Datastream; Goldman, Sachs; IBC's Money Fund Report; Merrill Lynch; Standard & Poor's; Ryan Labs

The New York Times

Founded in 1851

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Defund the Mud-Slinging

The Presidential campaign has been overshadowed recently by the odd psychodrama of the Bob Dole campaign arguing with itself over whether to engage in negative attacks on President Clinton's character. One day Mr. Dole asserts that the President's word is "no good" and that Mr. Clinton may not be morally suitable to lead the country.

What the public is seeing here is no mystery but rather a mirror of its own ambivalence. In survey after survey, Americans say they are turned off when the attacks get too personal. Yet deep down they know that American campaigns have always been in part an adversarial spectator sport.

From behind the scenes last week, Mr. Dole's operatives were expressing disappointment that Mr. Kemp was not only challenging these basic assumptions, but openly taunting his Republican colleagues for embracing them.

Mr. Kemp's reticence is not the only illustration of candidates not wanting to be associated with the attacks they unleash. Hence the prevalence of negative ads with only the barest references to the side sponsoring them.

with back-to-back negative ads that all seem to begin in color until they get to the candidate being attacked, who is shown looking gray and sinister, sometimes in slow motion or freeze frame.

Whatever you think of such ads, two factors are pushing more of them onto television screens this year. First is the growing power of political consultants who move into states with little local knowledge but prepared to offer their candidates a time-tested weapon that can nuke an opponent.

These organizations are supposed to use the money for generic issue ads, but they are often laden with messages aiding one candidate or crippling another. Both parties are spending millions, through the national committees and their Congressional campaign organizations, on these deceptive ads, and these ads have thickened the cloud of negativity over this year's election.

In a free society, it is difficult and unwise to try to police the content of these ads, but it is clearly possible to control their quantity. Stricter campaign finance laws and better enforcement can curb the role of negative ads that deliver disembodied attacks. More free television time for personal appearances by the candidates would not prevent candidates from going negative, but they would have to deliver their attacks the old-fashioned way — by themselves.

Lessons From the Watershed

Natural disasters often lead to bitter recriminations. This is peculiarly true of floods. The famous Wilkes-Barre flood of 1972 and the Mississippi River flood of 1993 led to fierce criticism of the Army Corps of Engineers, whose traditional methods of flood control were blamed for making matters much worse than they should have been.

A similar phenomenon is now occurring in New York's western Catskills, where a massive flood last January plucked trees from their roots, leveled homes and stores, destroyed bridges and claimed eight lives. The main complaint comes from trout fishermen, who say that in their zeal to clean up the mess, state and local officials also destroyed critical spawning habitat in much of the upper Delaware watershed, a fishing paradise for more than 150 years.

This is a complex, emotional matter. Some fishermen hint darkly that state officials ignored conservation laws in their eagerness to hand out Federal relief money for unnecessary and destructive work. The state's Department of Environmental Conservation and the Bureau of Fisheries say critics underestimate the reclamation task and overestimate the damage. But both sides now agree on two points. Damage did occur to valuable spawning streams, and much of it could have been avoided had the cleanup effort been more closely monitored.

and roads. But as winter turned to spring, it began issuing hundreds of permits, some vaguely worded, that allowed county road crews and landowners to drive bulldozers and bucket loaders up and down the streams. The ostensible purpose was to eliminate bottlenecks and clean out culverts under bridges. But many crews — untrained in stream repair and unwatched by a thin D.E.C. staff — did much more. Despite complaints from Trout Unlimited, a fisheries conservation group, they widened and straightened feeder streams that flow into the Delaware's major branches, stripping their banks of vegetation and their beds of gravel.

Warm streams stripped of their natural contours and fabric are not much use to spawning fish. People can suffer, too. When a stream is made as straight as a road, it loses its normal friction. In the next flood, water will not be dispersed but will rush straight downstream, pouring its full energy on whoever happens to live at the stream's mouth.

Government officials are forming a task force to figure out what did and did not go wrong. If this idea is going to work, certain essentials need to be recognized. The fishermen should be given an important role in the deliberations. They brought the mess caused by untrained crews to public attention and they know something about streams. The task force should strengthen government's monitoring and enforcement machinery and devise some way to instruct county road crews in the basics of stream management. Finally, its members should direct some of their energy and attention toward the next flood. There is bound to be one.

Editorial Notebook

Raw Russian Politics

Barely a day passes in Moscow without Aleksandr Lebed or some other top Russian official publicly denouncing his colleagues or scheming to accumulate power while Boris Yeltsin awaits heart surgery. The maneuvering looks ferocious and coldly indifferent to the urgent economic and social needs of the Russian people, but compared with Kremlin politics in the Soviet era it seems almost benign.

Two new books about the Communist period, one a sampling of Lenin's papers, the other Mikhail Gorbachev's autobiography, provide a peek at the cold-blooded calculations and raw power plays that long distillaged Russian politics. The general picture may be familiar to students of Russian history, but the books are a timely reminder that Russia's new democracy, however imperfect, is a great advance over the decades of tyranny and court intrigue that preceded it.

Anyone who still doubts Lenin's brutality ought to look at some of the recently discovered or authenticated Lenin papers reproduced by Yale University Press in "The Unknown Lenin," edited by Richard Pipes. The Communist depiction of Lenin as an enlightened, humane leader was fading even in Russia by the time the Soviet Union collapsed, but years of indoctrination left their mark. Despite the publication two years ago of an uncompromising Lenin biography by Dmitri Volkogonov, a Russian historian, a naive view lingers in Russia that Lenin was a democrat whose plans were twisted by Stalin into a murderous dictatorship.

Lenin and Gorbachev Offer Some Glimpses
fresh, and hundreds if not thousands of corpses are littering the roads, that we can carry out the confiscation of church valuables with the most savage and merciless energy," Lenin wrote.

Such gory politics was out of favor by the time Mikhail Gorbachev became Soviet leader in 1985, but there was no shortage of Kremlin maneuvering. In "Memoirs," just published by Doubleday, Mr. Gorbachev offers a muffled but still telling account of the succession games that buffeted the Kremlin in the 80's as three Soviet leaders — Leonid Brezhnev, Yuri Andropov and Konstantin Chernenko — died in a three-year span.

As Mr. Gorbachev describes it, the decisive step in the selection of a successor to Mr. Brezhnev was a brazen yet comically simple gambit by Mr. Andropov in July 1982, a few months before Mr. Brezhnev's death. With Mr. Brezhnev too infirm to work, Mr. Andropov and Mr. Chernenko were vying for power. Mr. Andropov made his move one day simply by arriving early for a leadership meeting and taking the chairman's chair, usually occupied by Mr. Chernenko.

"At the sight of Andropov in the chairman's seat, Chernenko seemed to slump and he collapsed into the armchair across the table from me," Mr. Gorbachev recalls. "An internal coup d'état had taken place before our eyes, reminiscent of a scene from Gogol."

At the time, Western scholars, journalists and intelligence analysts were frantically trying to figure out what was happening in the Kremlin, scarcely imagining such a scene would help determine the Soviet succession.

Russia's democracy is not a finished work, but at least there is now a constitutional system in place that requires the popular election of a president and provides a clear line of succession should he become incapacitated or die. Grabbing the chairman's chair is not part of the plan.

Housing Crisis Imperils Quality of Life for All

To the Editor:

Your Oct. 8 front-page article "Behind a Suburban Facade in Queens, a Teeming, Angry Urban Arithmetic" should be required reading of all elected and appointed officials in the city and all Federal, state and city tax authorities.

The conversion of single-family houses to multiple-family dwellings has produced challenges to sanitation, parking space, school capacity, neighborhood character and people's quiet enjoyment of their homes, challenges that are undermining the quality of life. These problems and City Hall's response push Queensians to take their talents and their taxes elsewhere.

One especially galling fact is that one code inspector is available to each Community Board district in Queens for one-half day a month to address the mountains of complaints of illegal conversions.

Although we would prefer the eradication of illegal conversions and the creation of affordable housing to meet the pent-up demand, your article and policy-making conditions in New York City and State give us limited hope. At the least, however, the cost of illegal conversions should be borne by the parties profiting from them, including unscrupulous realtors, instead of their law-abiding, long-suffering neighbors throughout the city.

ARTHUR F. ROJAS
Pres., Queens Village Civic Assn.
Queens Village, N.Y., Oct. 8, 1996



my case at the Art Students League, \$1.75 an hour) till we began to get acting work. Our food budget was \$7 a week, mostly macaroni and salami. Of course we never considered having children until both of us had earned enough future in film and stage to make parenthood possible.

You write eloquently about the sorry plight of the families you detail, but seldom concede that many of them are in fact illegal. Does that word no longer have any meaning in our decaying culture?

An even more important word not yet included in any of your articles is "responsibility." Does that count for nothing? How could any couple plan to sneak into the country with several innocent children and no education and expect to thrive, or even survive here? Surely they are better off legally deported back to a culture they can at least understand.

CHARLTON HESTON
Los Angeles, Oct. 9, 1996

Uttering the R-Word

To the Editor:

Your front-page series focusing on problems immigrants find in New York, with poor housing, inadequate English and little future, recalls a similar challenge I had as a boy.

I was raised in the Depression, went to a one-room school, worked weekends and summers in high school and went to college on a scholarship. I met and married the girl who's still my wife weeks before going overseas in the war they asked me to attend. I got home intact and we went to New York and a two-room cold-water walkup in Hell's Kitchen. We scraped by as models (nude in

Children Need Principles, Not Patriotism

To the Editor:

In "Pin-Striped Sexual Politics" (Op-Ed, Oct. 10), Robert Coles, the articulate and frequently published child psychiatrist, trashes his own field by referring to the "overwrought rhetoric of psychology," which he says educators turn to instead of religious morality.

Dr. Coles says that we have thrown out God and Country, and that therefore parents have no moral base. Much of what he says is true, but it is not true that morality springs only from religion or that we get much of value for our children from mere patriotism.

The author's accusations of sexual harassment leveled at little kids reflects a kind of moral vacuity promulgated by the media, such that there are over-reactions to innocent and harmless behavior. These acts by children can be understood psychologically, but common sense and down-to-earth responses are in order.

Dr. Coles is right that "no" is not used enough with children today. Parents and educators must be role models and reinforce common principles of politeness and sensitivity. This is what is lacking, not God and Country. VICTOR BLOOM, M.D.
Grosse Pointe, Mich., Oct. 10, 1996
The writer is a clinical associate professor of psychiatry at Wayne State University School of Medicine.

What Is the Real Crisis?

To the Editor:

I was struck by how much your "Housing's Hidden Crisis" series (Oct. 6-11) was not about housing. In fact, the last article noted that New York City's housing crunch was unique among other American cities because of the "unusual burden of an increasing population, due largely to immigration."

The many anecdotes reported to describe housing conditions, as often as not, featured illegal immigrants. Their housing was almost incidental to their stories of lives on the economic and legal fringe. Notably, much of the "housing" itself was on the legal fringe — illegal rooming houses, illegal conversions of single-family homes, illegal uses of apartment building basements and alleyways. Paradoxically, if the people profited could afford decent housing, they would still be stuck. Legitimate property owners wouldn't rent to them. How could you check credit histories for people with no bank accounts, Social Security numbers or, in some cases, even a believable record of their names?

"Housing's Hidden Crisis" is actually about what some call the underclass. It is about the underground economy (and jobs in the above-ground economy), and it is about legal status in American society. Looking at housing solutions is putting the cart before the horse. RUBIN PIKUS
Forest Hills, Queens, Oct. 11, 1996
The writer is a property manager.

As You Think Research Synergy, Think Nylon

To the Editor:

Your Oct. 8 front-page article "Basic Research Is Losing Out as Companies Stress Results" implies that nylon came from the World War II and postwar government support of corporate basic research. That is incorrect. Nylon came from Du Pont Company research in the 1930's.

There is a synergy between basic and applied research, and it is illustrated in the story of nylon. Wallace Carothers was recruited from Harvard to do basic research at Du Pont. When his investigations into synthetic fibers seemed not to be going anywhere, he turned to other research. A Du Pont research manager, who perceived the product possibilities of Carothers's work, persuaded him to return to his previous research, which resulted in nylon. Carothers was awarded the patent in 1938. JACK H. HAMILTON
Lakeville, Conn., Oct. 8, 1996

ton asked Congress for increases in basic research," and if he had not asked, the cuts would have been greater.

In fact, this Administration has let basic research funds remain flat, while demanding major increases in funds for marketing programs and "demonstration projects" by major corporations. These only promote the commercialization of existing technology.

In testimony before my subcommittee this year, Administration officials admitted that the Clinton "balanced budget plan" calls for gutting basic research funds beginning in the fiscal year 1998, while retaining so-called "market development" programs. (Rep.) DANA ROHRBAUGH
Chairman, House Subcommittee on Energy and Environment
Washington, Oct. 9, 1996

White House's Fault

To the Editor:

Your front-page piece on basic scientific research (Oct. 8) quotes Under Secretary of Commerce Mary Good as saying that President Clinton

Faces of Child Abuse

To the Editor:

We applaud your coverage of child abuse issues, as exemplified by the Oct. 10 news article on a decline in the number of child abuse deaths in New York City. This article focuses on child abuse inflicted by parents and legal guardians. It is important to note, however, that serious abuse is often committed by others: boyfriends, baby sitters, siblings and other relatives. At Montefiore's Child Protection Center, we frequently see brain hemorrhages, burns and fractures resulting from such abuse.

Moreover, the injuries we treat are growing more severe, and the victims are often too young to verbalize what caused them. Our experience reflects data released last month by the United States Department of Health and Human Services and referred to in your article, which show that serious physical abuse increased 400 percent from 1986 to 1993.

It is essential that we continue to focus attention and resources on the plight of abused and neglected children.

MARY L. PULIDO
LINDA CAHILL, M.D.
Bronx, Oct. 10, 1996
The writers are, respectively, the executive director and the medical director of the Child Protection Center, Montefiore Medical Center.

Mining the Coal in Utah

To the Editor:

Your Sept. 18 editorial about President Clinton's declaration of the Grand Staircase-Escalante National Monument in Utah, which placed the site off limits to development, is inaccurate on several counts.

First, Andalex Resources Inc. is not "a Dutch company" but an American company with Dutch ownership. While our coal leases total 34,000 acres, all the mining would be underground, with only 40 acres for surface facilities. According to the Bureau of Land Management, the area proposed for mining does not meet its criteria for wilderness.

Contrary to your assertion, the Clinton Administration never approached us to propose an exchange of land for mining. In 1994 a B.L.M. official in Utah asked our project manager if Andalex intended to develop the leases or exchange them. We responded that we intended to develop them. Andalex remains open to discussion, including the possibility of exchange.

We have spent millions, much of it for an environmental impact statement, over 11 years, working with local, state and Federal officials to develop this coal to everyone's benefit. DOUGLAS H. SMITH
President, Andalex Resources Inc.
Louisville, Ky., Oct. 8, 1996

The Times welcomes letters from readers. Letters must include the writer's name, address and telephone number. Those selected may be shortened for space reasons. Fax letters to (212) 556-3622 or send by electronic mail to letters@nytimes.com, or by regular mail to Letters to the Editor, The New York Times, 229 West 43d Street, New York, N.Y. 10036-3359.

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Money and 'Teeth'

To the Editor:

The first two news articles (Oct. 6 and Oct. 7) documenting substandard housing conditions in New York City are excellent. What no one wants to face is that improving housing conditions for low-income families means devoting significant resources to the problem.

Owning residential property is difficult, time-consuming work. Attracting capable professionals to this field means that rents and government support must provide enough income to cover operating costs, debt service, taxes and reasonable incentives to the owners, whether they are for-profit or nonprofit. We need a vastly expanded, streamlined Section 8 program, providing about \$1 billion a year in subsidies, plus spot inspections with "teeth."

Housing conditions will never be perfect. But the combination of money, competence and genuine caring could result in adequate housing for all tenants who pay their rent on a timely basis. CAROL LAMBERG
Executive Director
Settlement Housing Fund Inc.
New York, Oct. 7, 1996

A Call for Incentives

To the Editor:

In his Oct. 8 letter, Howard Husock is correct in stating that public spending on housing will not eliminate the abject conditions that prevail. If it did, the billions spent to date would have created a utopia by now. However, he offers no viable alternative.

The solution is relatively simple. Establish an incentive tax system so that the private sector will provide the housing. By realizing that real estate consists of land and buildings and by taxing the former and not the latter, increased building is encouraged.

This system is in place in modified form in cities like Pittsburgh and Harrisburg, Pa., with proven success. HERBERT H. LUERTZ
Wilmington, Del., Oct. 8, 1996

Handwritten text at the bottom of the page: "ماذا عن الاصل"

هذا من الاصل

Foreign Affairs

THOMAS L. FRIEDMAN

Follow The Money

A few days ago there was an intriguing article in Iraq's most influential newspaper, Babel, criticizing the Iraqi Government for lifting all the restrictions and roadblocks on trade between northern Iraq and the rest of the country. Why? Well, northern Iraq, when it was under U.S.-allied control, had de facto open borders with the world and you could buy anything there. The rest of Iraq, though, was under U.N. economic embargo. So when Saddam Hussein's Kurds drove the pro-U.S. Kurds out of northern Iraq, and reintegrated it with the rest of the country, Iraqi traders went on a shopping spree. Suddenly, they could get all sorts of previously banned goods through northern Iraq. And how did they buy them? By selling their Iraqi dinars for dollars on the black market. And what happened to the Iraqi dinar? It dropped 30 percent, going from 1,150 to the dollar to 1,550.

Babel's front-page editorial thundered that while the recovery of northern Iraq has great "nationalist and political meaning that Iraq's land is one," integrating it economically was a disaster. But the best part of the story is this: Guess who owns Babel? Saddam Hussein's evil son, Uday.

Think about that: The U.S. is bemoaning Saddam's great victory in northern Iraq, while Saddam's son is running editorials complaining that this "victory" is costing a fortune and probably undermining his own monopoly on the smuggling of goods through northern Iraq for resale at exorbitant prices. Which brings us to the point: The only way to hurt Saddam is not by setting up a bigger "no-fly zone," but by setting up a bigger "no-buy zone." Forget his radar. Go for his wallet. His regime is built on two pillars: the

An economic war plan to squeeze Saddam.

Republican Guards and money. If we're not going to attack the Guards, let's at least attack his cash flow.

Here's an economic war plan:

1. Print dinars. The U.S. should flood Iraq with counterfeit Iraqi dinars. It would wreak havoc. Because the U.S. has blocked the sale of money-printing presses, ink and paper to Iraq, Washington can already print better Iraqi money than Baghdad can.

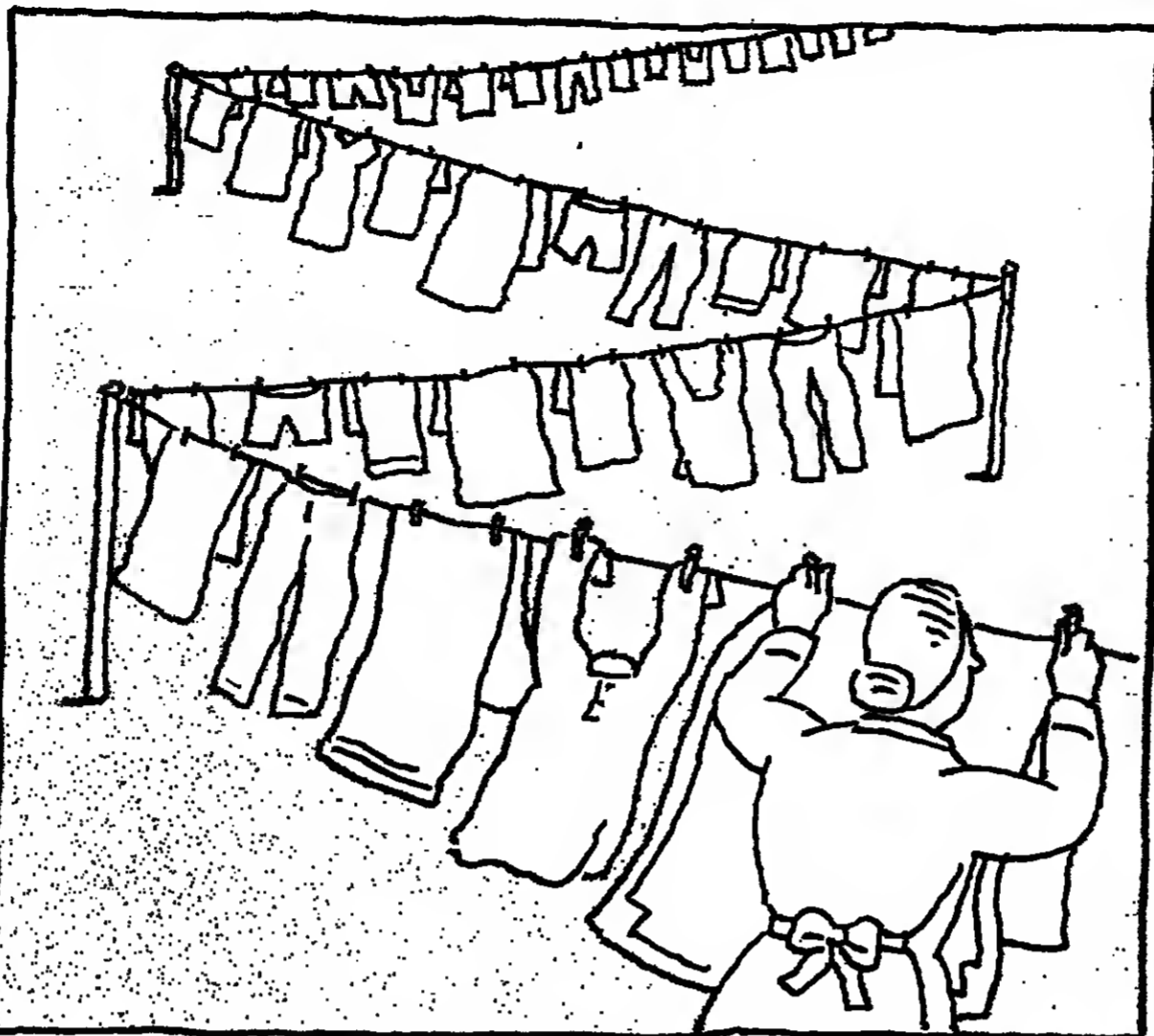
2. Many oil traders believe Saddam is funding himself by playing the oil futures market. The world oil market has very little surplus right now. The only way it could loosen up is if Iraq, with its capacity to pump three to four million barrels a day, were to comply with U.N. resolutions and get out from under the U.N. oil embargo. That's why it is relatively easy for Saddam to manipulate the market. If he hints that Iraq will comply with the U.N., he can send prices falling; if he hints that Iraq won't comply, he can send prices rising. And if he does it in a calculated way, he can make a fortune on oil futures.

Ironically, the best way to rob Saddam of that power is by going ahead with U.N. resolution 986, which would allow him to sell \$2 billion worth of oil that could only be used to buy food and medicine for his people. That oil would certainly loosen the market. No one knows that better than Saddam, which is why every time it seems as if 986 is going to happen, he does something to scuttle it. Saddam also doesn't want so much food flooding into Iraq under independent U.N. auspices. He prefers being embargoed, because he and his supporters control most smuggling into Iraq, from which they reap much cash.

3. According to U.S. intelligence, Saddam has used \$2 billion of his covert income to build 50 palaces, for himself, his family and close supporters, since the end of the Gulf war. One of the largest, near Lake Tharthar, is five times the size of the White House. The next time the U.S. bombs Iraq it should destroy them all. It would cost Saddam a fortune to rebuild them — and their existence would be exposed to every Iraqi.

4. Many oil traders believe Saddam is also earning a steady income by shipping oil on small boats from Umm Qasr to Iran, where it is sold on the market. U.S. divers should arrange for some "accidents" to happen to those ships.

The best way to trigger fighting in Saddam's family is by shrinking the pie they feast from. The only people in Saddam's family who have ever been killed are his two sons-in-law, who were murdered by Uday's forces in a dispute that originated over money. Rumor has it that when Saddam got mad at Uday last year and decided to punish him, he did so by personally dousing Uday's antique sports car collection with gasoline and torching it. Saddam really knows how to hurt a son. So should we. Follow the mon-



The Saints of Servitude

By Patricia Williams

There's a lot in the press these days about "the lessons of hard work."

I'm thinking of the pictures of those women sweating rivers as they tote those hales on the newly equal-opportunity chain gangs in Arizona. No romantic dew of perspiration upon their sopping brows; they atone for their sins in a way that all of the viewing public can enjoy.

Elsewhere, welfare recipients are channeled into workfare programs losing that the poor never sit around twiddling the thumbs of their otherwise idle hands — surely the prelude to reproductive devilmess. Make work, not babies, is the message to those on welfare — and indeed make-work is the best the poor can expect from this most wealthy nation's most recent welfare package.

Meanwhile, children in gutted inner cities are told that all they have to do to improve themselves is to work hard, just stop complaining — and a smile now and then wouldn't hurt — and then try harder, harder, harder.

Now, I'm a fan of work as much as the next person, but I do wonder what lessons are being imparted. In New York City, the poor — many of whom are the descendants of hard-working sharecroppers, or the children of coal miners, dirt farmers and sweatshop laborers — are to be uplifted from their purportedly lazy ways through the rehabilitative effort of cleaning the subways. Subways in which some of them are living. Their instructors will be unionized workers who have spent decades organizing to improve their own lot, yet whose livelihoods are threatened by workfare's nonunionized, below-minimum-wage pools of labor.

The use of work as "lesson" in an economy that offers the least skilled few options is quite troubling. Is it significant, I wonder, that the rush to embrace the least attractive norms of the Industrial Revolution is occurring at a moment when Americans are working harder and harder and harder and harder? Deep resentments are developing toward those who are not busy every single moment of the day. The resentment is deepest, perhaps, among baby boomers who grew up thinking of themselves as the leisure class yet whom Charles Reich has aptly renamed "the anxious class" — overworked, overwrought, so overwhelmed by debt that even real prisoners in real prisons seem like they're enjoying a vacation just because they have time to sit down and have dinner together.

While much publicity has focused on teaching the poor "discipline" and "exposing them to real work," much of this labor bears little relation either to saving taxpayer dollars or to the lessons of any labor market. The Governor of Alabama, for example, ordered prisoners' vegetable gardens to be plowed under and then imported rock for chain gangs to crush — even in the absence of any need for crushed rock.

Alabama's chain gangs were recently abandoned in the face of pending lawsuits, but the theme of display labor has played on in the several states where chain gangs persist. I begin to wonder if there is not some theatrical stake in the phenomenon of a public excited by stereotyped and overwhelmingly fictional images of luxurious prisons and indolent welfare recipients, lounging about watching

Patricia Williams is a professor of

cable TV. I grow concerned about a thirst for hard labor.

Not long ago, there were news reports about Oseola McCarty, a woman who had "taken in wash" for more than 75 years and who, having no family, had saved some \$150,000 from wages that never exceeded a few dollars a week. At the age of 87, desiring to put her affairs in order, she donated the money to the University of Southern Mississippi for a scholarship fund for black students.

The media made much of the marvel of a poor black woman of sufficient sacrificial thrift to amass a small fortune — and then to hand it to others. "There was nothing I wanted for myself," she was quoted as saying time and again, patiently, to reporters who seemed awestruck and slightly appalled by the simplicity of her life and by her humility. "I just wanted to do nice ... something for the children to get an education. Because I didn't get mine, but I want them to have theirs."

Many hailed Ms. McCarty's story with a kind of nostalgia for the good old days when blacks valued a real work ethic, eschewed having babies and didn't go to white people for a handout. Jeff Jacoby, a newspaper columnist, wrote: "No one ever notified her that she was one of life's losers, unable to survive without help from Big Brother. It never occurred to

We like the poor — as long as they work, work, work.

her that she was fit only to receive, not to give; to be assisted, never to assist. For that matter, it never occurred to her that she had a claim on the taxpayers for the money she hadn't earned. Or that washing clothes was a 'dead-end' job. Or that society owed her anything except respect, and the freedom to make herself useful."

It's a doozy, this phrase: "the freedom to make herself useful." This oddly expressed "freedom" of servitude is, I suppose, a twisted reference to the notion that underlies the common law concept of employment-at-will and much historical resistance to organized labor. The premise is a simple — dare I say simplistic — one. The employer hires a worker. The employer can fire the worker at any time. The worker can quit at any time. Employment at will.

But assume that there comes a moment when mobility is considerably more limited than this ideal economic model.

Assume that poisonous work environments and Dickensian labor conditions exist in a world of free trade zones, of manufacturing islands whose operations can shift almost overnight from North Carolina to Mexico, Thailand or the Philippines. Assume further that the problem of labor is overlaid with unparalleled migrations from rural to urban locations, immigration across national boundaries and the general suspension of civil rights laws.

With all these complications in mind, I'll turn to Oseola McCarty, whose genuinely heroic story is so overlaid with easy finger-shaking bromides about self-discipline. It is probably worth asking just a few questions.

Do we really want to romanticize a system of indentured servitude that left the vast majority of black women in Miss McCarty's generation actually envying those who did laundry because it was a better job than most? And before making generalizations about what Miss McCarty may have "not earned" in benefits from the Government, isn't it worth asking what she ought to have earned in the

Liberties

MAUREEN DOWD

A Plea for Incivility

WASHINGTON Bob Dole is basing his campaign on the idea of trust.

Unfortunately, there is no trust in the Dole campaign.

Dole advisers paint the candidate as stubborn, isolated, inept and a prisoner of his own reputation.

As one told The Times's Adam Nagourney, concerning the argument

keens: "Dole is listening to a bunch of old hacks. The campaign is like a prize fighter who's been so badly beaten that there's no rhythm, no soul. The Clinton team has out-thought us and out-punched us."

Just as Bill Clinton was reduced to asserting his relevance after the '94 elections, now Bob Dole is reduced to asserting his toughness.

The '92 campaign taught the Clintonites that the best defense for the messes around Mr. Clinton — ethical questions, dubious associations, implausible denials, slippery judgments — was an outrageous offense. Mau-mau the press into feeling guilty for being cynical and tawdry. Mau-mau the opponent into feeling guilty for taking "the low road."

Abetted by Mr. Dole, who is skittish about going on the attack because he fears evoking his hatchet past and because he wants to end his career with dignity, the Clinton campaign has convinced some in the press, some Republicans and some voters that the Republicans are hitting below the belt if they say anything unpleasant.

The interest in character is now considered prurient. And the interest in Whitewater is considered boring insulting.

"Sometimes, the low road is the good road," complains Bill Kristol, the editor of The Weekly Standard. "Whenever the press praises Republicans for civility, you know Republicans are in serious trouble."

Mr. Dole should not be afraid to confront Mr. Clinton on issues related to his inconstancy, unsteadiness, tacking with the wind, veering to the right, veering to the left, veering to the center, veering, veering, veering.

Does anybody really think there's no connection between a President who signs hills he says he doesn't believe in and the character question?

He should ask the President why he changes his mind and aims to please and is never quite forthright. He should ask the real Bill Clinton to stand up.

Mr. Dole should not be inhibited from asking Mr. Clinton about possible Whitewater pardons, charges of obstruction of justice in the White House and all the human damage around his Administration.

It is not impertinent, nor is it uncivil, to ask about the character of the most powerful man on earth.

The most ambitious people in America have to accept the fact that the White House is a glass house. □

The positives of negatives.

over whether Mr. Dole should be sharper with the President in the second debate. "What is required here is a scalpel, and I'm afraid we'd end up with a chainsaw."

Former Clinton press secretary Dee Dee Myers worried after the Paula Jones story broke that she would look at the morning newspaper and see the words "dropped his pants" in the same sentence as the word "President." Now Dole aides should be sensitive enough to avoid placing the words "Dole" and "chainsaw" in proximity.

Jack Kemp does not trust Bob Dole. In the Vice-Presidential debate, he brushed off the Dole agenda and offered his own, suggesting that the tax code be eliminated, and declaring that it would be "beneath Bob Dole" to attack Mr. Clinton's character. (It is not beneath Jack Kemp to undermine Bob Dole in public; nor, when pressured this weekend, to start attacking the Clinton Administration's character in a radio address.)

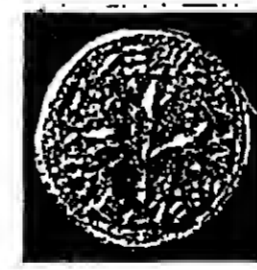
Bill Bennett does not trust Bob Dole. He keeps popping up at Mr. Dole's side, offering his own version of what the Republican campaign should be, trying to graft on the missing cultural and social issues.

Like Mr. Kemp, Mr. Bennett instructed Mr. Dole publicly, telling reporters his thoughts about how to criticize the President on character. "Nothing against nice," he told The Washington Post, "but nice here has become soft-headed — and diffident — about central issues." (So Bob Dole is a soft-headed chainsaw?)

Republicans in Congress don't trust Bob Dole. They mutter phrases like "if we keep one of the houses." As one top Republican close to the campaign

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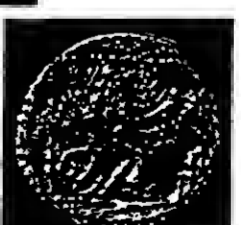
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FILM

Two Tales of Hope and Sorrow in Bloodied Ireland

By THOMAS FLANAGAN

ON the evening of 22 August 1922, the air still holding what remained of summer light but touched by an autumnal chill, Michael Collins, the Irish genius of irregular warfare who had for three years directed a guerrilla campaign against Britain, was killed by an ambush at Beal na Blagh in the hills of his native West Cork. It was so in historical fact, and now in the cinematic scene of "Michael Collins," Neil Jordan's powerful and luminous film, which opened Friday.

"Michael Collins" is one of two new films addressing Ireland's political violence. The other, "Some Mother's Son," by Terry George, to be released here in December, confronts the 1981 hunger strikes in the H-block of the Maze Prison in Belfast, in which 10 men, nearly all of them in their 20's, died.

The films differ markedly from each other in conception, in scale, in cinematic style and perhaps also in what they have to say about the nature of violence in social and political existence. Mr. Jordan's film is epic in scope, epic in its design, alive with the energies of history, and alive also with Mr. Jordan's involvement with the heroic qualities of his central figure, stunningly portrayed by Liam Neeson. Mr. George's film is concerned with the energies of suffering, the suffering of the men on strike and of their families.

Mr. Jordan is fortunate to be dealing with the history of 70 years ago. Mr. George is dealing with events of the recent past whose shadows stretch into the present. But the stories are linked in ways. "Some Mother's Son" deals with a tragic debt, carried forward from 1922, the continuing pains and violence of Northern Ireland.

As for "Michael Collins," which earned the Venice Film Festival's Golden Lion, the top award, of 1996, as well as a best-actor's award for Liam Neeson, its release date in Ireland and England is less specific. A spokesman for Warner Brothers said in August: "This is not a film we are hiding. But again, we will be sensitive to the conditions in the world at the time." Mr. Jordan has said, more forthrightly, that it is a story that "everyone seems scared of."

The blanket charge against the two very different films, which deserve to be judged on their own merits, is that they will encourage sympathy for the present I.R.A. Mr. Jordan has addressed the point directly.

"The story is more about history than any political statement," he said. "Collins was not a proponent of terrorism. He fought the British Empire in Ireland with the only army available to him — the Irish Volunteers, bands of poorly armed peasants and working-class youths. The current I.R.A. is a totally different organization. Collins would never be a proponent of contemporary terrorism as it is practiced today. He was a soldier and statesman and, over time, a man of peace."

Curiously, the campaign against the film in some sections of the British press has for the most part been conducted by people who have not yet seen it.

The British anger at these films requires no explanation. Their inability to understand the Irish has for centuries been one of the wonders of the world, like the hanging gardens of Babylon. "Some Mother's Son" opens with a newsreel clip of Prime Minister Margaret Thatcher at her imperious best — implacable, condescending, uncomprehending of any values but her own. But the mixed reception that the film has received in Ireland — the respect of many, but the deep reservations of others — is a more serious matter.

Mr. George, who has rightly observed that there is no such thing as an unbiased film, is quite open about his own bias. In the early 70's he served three years in Long Kesh prison (as the Irish called the Maze), on an arms charge, and his script has the authority of experience.

But he and Ms. Mirren have both argued, in interviews and press conferences, that their film is not about politics but about pain, the pain of ordinary people squeezed to death between opposing absolutes. And his film is quite clear about the moral absolutism of the strikers: "Now by that stage most of the hunger strikers were off in this self-induced mystical state that the fast seem to induce in them, but at the end of the day there's an element of selfishness about the whole thing, isn't there?" This suggests a complexity of vision which the film often does not share.

There was an interesting moment at the press conference that followed the film's Dublin premiere. Ms. Mirren explained that she had refused to help make the film while British children were being killed by the I.R.A. bombs. She agreed to be a co-producer and appear in it only after the I.R.A. had declared its cease-fire.

But, it was pointed out to her, the I.R.A. had called off its cease-fire. Canary Wharf in London was bombed in February, and the center of Manchester was blown up in June. Ms. Mirren, with that briskness of utterance that seems part of her style, dismissed the bombers as "cowardly." Accurate, no doubt, but beside the point of the question.

It is part of the power of Mr. Jordan's "Michael Collins" and of its claims on our moral imagination that it faces such questions squarely. His Collins possesses great charm of manner, but he is also a soldier who improvises brilliantly and ruthlessly. The scenes in which his squads of executioners move through city crowds and down hotel corridors to shoot British intelligence officers and police spies (not, be it noted, civilians) are presented in all their shocking and sudden brutality.

It is quite true that both Collins and de Valera would have loathed the terrorism practiced by the present I.R.A. And for its part, that I.R.A. has historically regarded them as spineless compromisers. A republican ballad of the 50's spoke of de Valera as "the quinsling who sold out the patriot game."

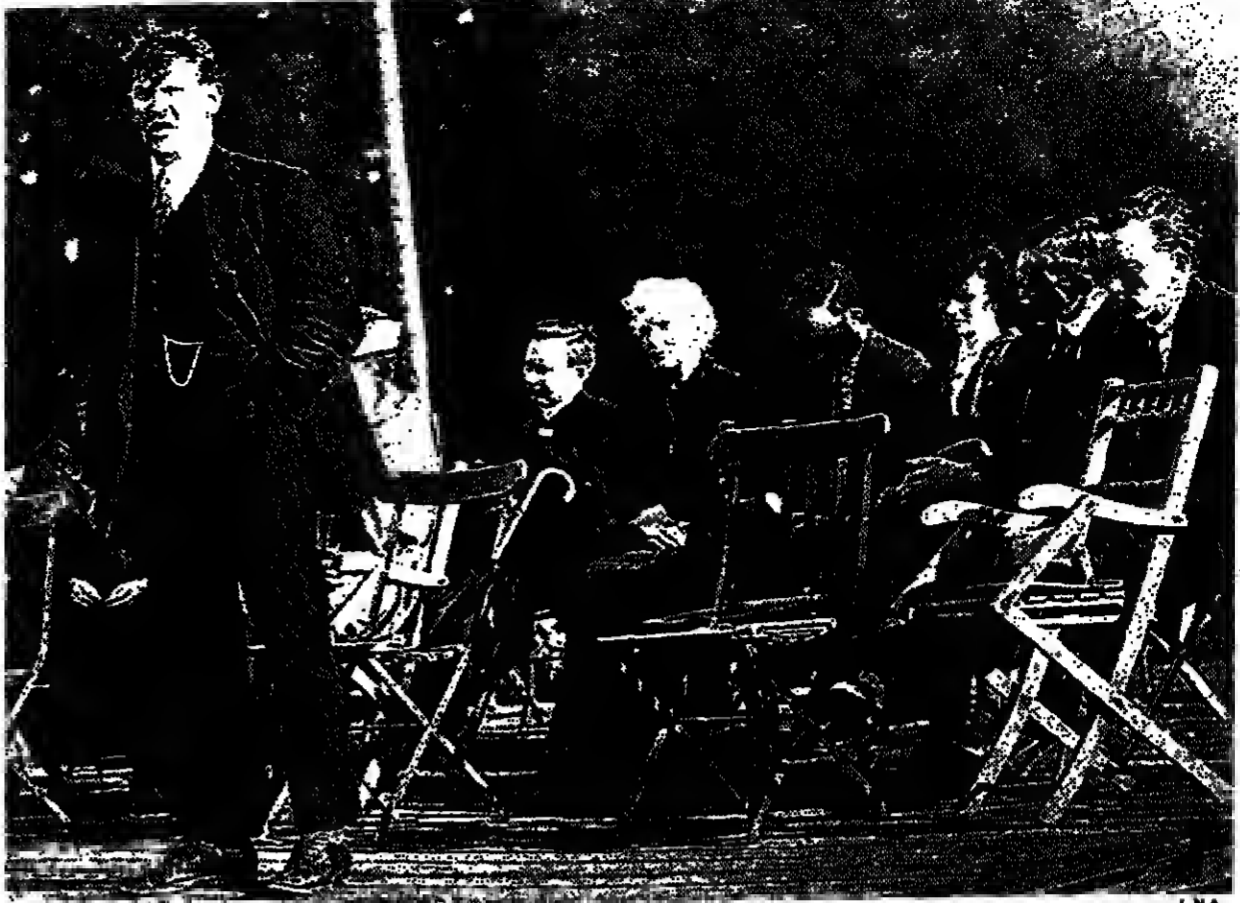
But the links that make up history are not easily separated. The I.R.A.

sees itself as the inheritor of the unfinished war waged by those peasants and working-class youths from 1919 to 1921.

There are other links. The H-block hunger strikers, as they lay approaching delirium, believed with some reason that theirs was a traditional form of Irish resistance to oppression, existing in Collins's day and stretching back into the misty Gaelic past.

Thomas Ashe, who like Collins had fought in the Easter Rising of 1916, died on hunger strike a year later. Terence MacSwiney, Collins's friend and comrade-in-arms, died in Brixton prison in October 1920, leaving behind an enduring legend and a famous aphorism: "It is not those who inflict the most pain but those who suffer the most who will conquer."

The power of Mr. Jordan's film is as much visual as it is moral. It is a haunting re-creation of 1921 Dublin, a city of autumnal rain and mist, the claret-colored bricks of 18th-century houses, the rotting tenements oorth of the river itself, cutting the city in two and dominated by the great hulk



The real Michael Collins, in 1921, in Armagh, Ireland. He was killed the following year.

of them is as brilliant as it is daring. The exact identity of the republican soldier who fired the fatal shot to the Beal na Blagh ambush has been the source of endless and profitless speculation. Mr. Jordan makes him a boy in his early teens who has been hanging around as a lookout for the republicans all that day.

We see him staring, wide-eyed but guileful, as Collins buys pints for the locals in the pub. And when, a bit later, Collins tells him that the fratricidal war must end, he looks away, quiet and expressionless. We see him next standing beside the bewildered and nearly hysterical de Valera, looking for clues to what should be done. And finally we see him behind a rock, with the ambush party, drawing bead upon his target, as carefully and precisely as the marksmen might and still expressionless.

Collins's final encounters in the film, angry and impatient, are with boys not much older than children — the lads who have set the Four Courts, the Free State soldier who kills Harry Boland, the unnamed boy of Beal na Blagh. Some mothers' sons.

In the aftermath of the shelling, Collins's closest friend, Harry Boland, his rival for the hand of a young woman named Kitty Kiernan, and now his political opponent, is shot dead in that river. Collins, in his fury, almost strikes the young Free State soldier who fired the shot. "He was one of us!" he screams at the frightened boy. (Boland is beautifully underplayed by Aidan Quinn. Kitty is played by Julia Roberts, who still possesses the most superb smile since the invention of faces.)

It is true — the friendship, the romantic rivalry, Boland's death at the hands of Collins's soldiers. But in strict fact, the circumstances of that death were different. All of Mr. Jordan's departures from historical fact (there are not many) are justified by the film's structure. And one

of them is as brilliant as it is daring. The exact identity of the republican soldier who fired the fatal shot to the Beal na Blagh ambush has been the source of endless and profitless speculation. Mr. Jordan makes him a boy in his early teens who has been hanging around as a lookout for the republicans all that day.

SOMETHING XTRA

BY WAYNE ROBERT WILLIAMS / EDITED BY WILL SHORTZ

Crossword puzzle grid with clues for 'ACROSS' and 'DOWN' sections. Clues include '1 Of a leg bone', '7 Gardening device', '14 Slave driver's exhortation', etc.

Answers to the crossword puzzle. Includes: 111 "American Psycho" novelist, 18 "The One" (1996 movie), 17 Duty-bound?, 18 "Adonais" and others, etc.



Fionnula Flanagan and Grainne Delany as mother and sister of a hunger striker in "Some Mother's Son."

Handwritten Arabic text: "هذا من الاصل"

and Nahmani case: Final say is with the mother

In the Supreme Court, sitting as a Court of Civil Appeals, before the President Justice Aharon Barak and Justices Gavriel Bach, Elyezer Galdberg, Theodora Orr, Elyahou Mazza, Ya'acov Kedmi, Yitzhak Zamir, Tova Strassberg-Cohen, Dalia Dorner, Zevi Tal, and Ya'acov Tirkel, in the matter of Daniel Nahmani, appellants, versus Ruti Nahmani and others, respondents (F.H.(C) 2401/95, C.A.5587/93).

RUTI and Dani Nahmani married in 1984. Following an operation Ruti was unable to bear children, and they agreed to the process of fertilizing her ova with Dani's semen, and implanting the embryos in the womb of a surrogate mother.

In view of difficulties created by the Public Health Regulations (In Vitro Fertilization) of 1987, and following a petition to the Supreme Court (H.C.1237/91), the parties agreed to the fertilization being done in Israel, and the implantation at the surrogate institute in the US.

This arrangement, however, was not implemented, for in 1992 Dani left his home and went to live with another woman who bore him a daughter. Nevertheless, the Nahmanis are still married.

Ruti then requested the embryos from Assuta Hospital, where they were stored, for transmission to the surrogate institute in the US. Dani opposed her request, and the hospital refused. She then moved the Haifa District Court to order the hospital to comply. The court ruled in her favor, and Dani appealed to the Supreme Court.

The appeal was allowed (C.A.5587/93 - *The Jerusalem Post* of April 17, 1995). The former court president, Justice Meir Shamgar, then directed a re-hearing before an enlarged panel on the ground that "the subject is novel and original, and undoubtedly of special importance in our sphere which adjusts itself to scientific and social change."

Justice Strassberg-Cohen adhered to her previous ruling allowing Dani's appeal. Justice Tal repeated his decision in Ruti's favor, and Justices Dorner, Goldberg, and Kedmi agreed with him (the *Post* of October 7, 1996).

JUSTICE TIRKEL also concurred with Justice Tal. There was no normative framework, he said, to cover the present dispute, which fell entirely in the emotional, moral, social and philosophical areas. The issue, nevertheless, was justiciable, and the court was obliged to decide it. Each judge,

therefore, would have to rule on the basis of his own principles and feelings.

He differed from the majority in the first hearing, which preferred the right to refuse parentage, based on the individual's autonomy in his own private affairs, over the right of parentage.

In his view, as a general rule, where there was a continuing process of in-vitro fertilization, the positive right of parentage prevailed over the negative right of refusal.

These two rights, he said, were not at all symmetrical. The right to life was a fundamental right in the annals of our people, and of humanity in general. Citing precedents and many Jewish sources, he held the right to parentage was an incomparably higher value than that of refusing parentage and thus escaping the emotional, moral, and economic obligations which parentage imposed.

He strongly emphasized that he expressed no opinion on the difficult philosophical questions such as when life begins, or the rights of the embryos to be born.

On the other hand, his sense of moral values brought him to the opinion that the very existence of potential life represented by the embryos tilted the balance in Ruti's favor.

He then commented on the path chosen by his colleagues Zamir and Orr in applying the law, as distinct from the moral and ethical grounds on which he relied. He rejected this approach. The law was said to be objective, but in fact it was also subjective, depending on the manner of its application. Moreover, the law itself introduced the conception of justice, as illustrated by section 30 of the Contracts (General Part) Law of 1973, which introduced the "public welfare" in deciding on the validity of a contract, as against the rule that contracts must be enforced.

In conclusion, he stressed that the justice applied by the court had to be human justice, based not only on reason but also on human considerations coming from the heart. His decision favoring Ruti also fell into this category.

JUSTICE BACH also concurred in dismissing Dani's appeal. All his colleagues, he said, agreed that Ruti's emotional suffering exceeded Dani's.

"At the same time, Dani's dilemma could also be understood. He had not stressed the economic, moral, social and philosophical side, but the fact was he could not be fully indemnified if required to support a child he did not want. His whole family situation had

LAW REPORT ASHER FELIX LANDAU

changed, and his emotional opposition to the process being continued could be appreciated.

He agreed that the present dispute could not be solved by any existing Law or statutory interpretation. Section 15(c) of the recent Surrogacy Law (above) covered mainly the relationship between the parents and the surrogate mother, and not between



Dani Nahmani (Brian Headler)

the parents themselves.

This case was also not covered by the ordinary contracts law. The court was therefore required to find the solution most just in the circumstances.

Justice Strassberg-Cohen pointed out that the justice test was ineffectual since different judges had differing conceptions of justice. That was, of course, correct, but it was also unavoidable. Judges disagreed among themselves. Many decisions were overruled by higher courts, and the judges in those courts often disagreed with each other.

Moreover, as remarked by Justice Goldberg, many statutes introduced the conception of justice such as section 31 of the Contracts (General Part) Law of 1973, section 3 (4) of the Contracts (Remedies for Breach of Contract) Law of 1970, section 132 of the Tenants Protection Law of 1972, and, above all, section 15(c) of the Basic Law: Judiciary, of 1984, defining the powers of the Supreme Court sitting as a High Court of Justice.

With full sympathy for both parties, he continued, he found that the balance of justice favored Ruti's case.

Both agreed to the whole

process and furthered its implementation, Dani giving his semen and consenting fully to the fertilization; the process caused Ruti continuous severe physical suffering and even threatened her life; she could have obtained other semen, but preferred her husband's for understandable reasons, relying on his full consent; this was Ruti's last chance of parentage; Dani has achieved parentage, and could possibly again enjoy that glorious experience.

He also commented that had the situation been reversed, he would have ruled in Dani's favor. He added there could be exceptional circumstances such as genetic or medical changes endangering the embryo's existence which would justify abjecting to the process being continued. It would, however, be unjust to uphold Dani's objection only because he has now changed his mind about being a father.

He also remarked there was no analogy with a woman's right, in certain circumstances, to terminate pregnancy, a matter involving her own body.

Justice Strassberg-Cohen held that imposing a duty of parentage on an unwilling man was a substantive breach of his freedom, but the answer was that no duty of any kind was being forced upon him.

Whatever was required of him he had already done of his own free will before he changed his mind. He had only lost the opportunity of preventing Ruti from using her own ova already fertilized by his semen with his full consent.

His colleague pointed out that Dani had been put out of the picture, the court - as it were - usurping his rights by bringing a child of his into the world against his will.

That, he said, was true, but it blurred the substantive and basic distinction between obliging a man to take an active step to promote parentage against his will, and deoying his right to prevent his partner from implementing her parentage. At this stage nothing more was required of him.

He then examined regulations 9 and 14 of the Public Health Regulations (In Vitro Fertilization) of 1987 (above), relied upon by Justice Zamir in allowing Dani's appeal, and held they had no influence on the distinction between imposing a duty to take active steps to achieve some purpose, and neutralizing opposition to the other party's efforts to implement an agreement already made.

He also mentioned the doctrine of estoppel, pointing out that Ruti

had embarked on the whole process relying on Dani's consent, giving effect to their mutual wish to have a child.

In conclusion, he referred to Justice Tirkel's ground that Ruti's case rested on the prospect of creating life.

Even if the scales were evenly balanced, he said, which they were not, that factor would tilt them in Ruti's favor.

JUSTICE MAZZA held that Ruti's right to parentage and Dani's right to refuse parentage were conflicting "mutual rights." There was no legal normative test for solving the conflict, but the court was obliged to find the balance between them.

Neither party was at fault, and he would decide the issue by ruling which of the two rights was stronger in the particular circumstances of this case.

He then explained in some detail the different categories of rights recognized in numerous precedents and legal writings which he cited; basic or fundamental, general and specific; absolute and relative; rights in the narrow sense as distinct from freedoms; abstract and concrete rights; core and derivative rights. He also dealt with limitations of rights, which could be, inter alia, specific or general.

In this case, he continued, Dani sought to impose on Ruti what appeared to be a specific limitation of her right to parentage, namely, the use of the particular embryos fertilized from his semen. In fact, however, the limitation was general, since she had no practical alternative to create a child, and adoption was closed to her.

Dani's situation, on the other hand, was different. He certainly had the right to refuse parentage, but the limitation now to be imposed on that right was specific, relating only to parentage in the particular framework of this case. Otherwise his rights to parentage, or to refuse parentage, remained unimpaired.

Considering the conflicting rights of the parties in the particular circumstances of this case on an objective basis, he said, the scales of justice leaned in Ruti's favor.

He agreed, therefore, to the appeal being dismissed, subject to the condition, suggested by Justice Goldberg, that Ruti undertake not to claim moneys from Dani for the expenses of any child or children to be born, and to compensate him for any amounts he may be obliged to pay.

(Second of three parts. The third part will appear next week.)

The hangman who ended the Reich

JOSHUA RESNEK
and CHRISTOPHER SZWCHENY

FFIFTY years ago, the Third Reich finally came to an end. At Landsberg Prison in occupied Germany, a young floor sander from Revere, Massachusetts, executed Hitler's cabinet members in two hours on two scaffolds. The executions were held in private. Even photographs taken of the executed men, who were secretly cremated that night, have never been released.

On October 16, 1946, Joe Malta, then 28, the US Army hangman in Europe, carried out the death sentences handed down by the Nuremberg Tribunal on Hitler's innermost clique for their crimes against humanity. "I put the black hoods over their heads. I tightened the nooses around their necks. I dropped the trap door on 10 of them that night," Malta said. He still keeps a small replica of the scaffolds he used that night on display in his beach-front apartment near Boston.

"It takes a long time to make a noose, you know. They have to be made in advance. You have to knot the rope 13 times. You can't hang a man with slack in the rope. So you have to hang a weight at the end of the rope to stretch it straight. Then it's ready to be used," recalled Malta, now 77 and a grandfather.

"The rope has to be long enough so the body will free-fall enough through the trap door to snap his neck without allowing his feet to touch the ground."

He is proud to recite his role in putting to death the men responsible for the most evil and deplorable chapter in world history. In all, Malta hanged 60 Nazis in nine months between October 1946 and June 1947. "We did hangings all over Germany."

The most important were those of Hitler's cabinet members on October 16. The first was Reichsmarschall Hermann Goering, who founded the Luftwaffe, the SS, and the Gestapo. He cheated the hangman, however, by crumpling a cyanide capsule smuggled into his cell.

So Joachim von Ribbentrop, Hitler's foreign minister, was the first to mount the gallows at 1:14 a.m. Generals from Britain, France, the Soviet Union and the United States, as well as eight journalists, gathered near the gallows. "His feet were shackled," recalled Malta. "His hands were

tied behind his back. He showed no emotion. The priest asked him if he had anything to say. 'God Save Germany!' he shouted in German."

After Malta dropped the trap on Ribbentrop, he helped carry the body to one of 11 wooden boxes lined at a 45-degree angle along a wall in the prison's brightly lit gymnasium. "I cut him down with a bayonet, cut the rope from his neck, and pulled off the black hood," Malta said. "His eyes were closed. His mouth was tightly shut. He was defiant until the end."

The next to die was Field Marshal General Wilhelm Keitel, Hitler's chief military adviser, followed by Gestapo boss Ernst Kaltenbrunner, Alfred Rosenberg, the so-called philosopher of the master race, and Hans Frank, the governor general of Poland, who said prior to his sentencing: "A thousand years will pass and the guilt of Germany will not be erased."

Wilhelm Frick, the Nazi minister of the interior, was hanged next. Then came Julius Streicher, a sadistic pornographer and Hitler's chief Jew-baiter. "Streicher stood out from all of them," Malta remembered. "He shouted 'Heil Hitler!' before he walked up the stairs to the gallows. When I put the noose around his neck, I gave it an extra pull. I also dropped him early. Usually I'd wait until the priest said, 'Amen.'"

Arthur Seyss-Inquart, who sold out Austria to the Nazis, was next to die that morning, followed by slave-labor czar Sauckel and Col. General Alfred Jodl. "When it was all over," Malta said, "I returned to my barracks and went to sleep." Joe Malta survives as a witness to a hidden history and he insists he is not haunted by it. "There is no blood on my hands," he declared, as he eyed the tiny gallows. "It was the Nazis that were the guilty ones."

Malta left the army in June 1947. He returned home, to his flooring business and family. He served as a city official, and for a time, was the commander of his veterans post.

Yet, Malta has no medals. Only memories and a box full of mementos on top of his refrigerator. The box contains his own discharge papers with his moniker: Hangman 10. "I'll never regret what I did," Malta said. "I do it all over again if I have to."

Endangered insects deserve more respect

A COUPLE of years ago, two German tourists in India were caught trying to smuggle more than 30,000 insects out of the country. This incident only served to point out the severity of the problem of our rapidly vanishing insect species. While most people, when they think of endangered species, hold a mental image of rare mammals and exotic birds, actually some of the species in the gravest danger are found in the insect world. Of these endangered insects the *Lepidoptera*, that is butterflies and moths, are among the hardest hit but many other insects, including some rare beetles and dragonflies, are also under threat of extinction as are many species of spiders and ants.

The diurnal lepidoptera, or butterflies, have seriously diminished in numbers since before the Second World War and pesticides are probably the principal cause of their decimation. One of the places where some species are extremely rare is the place from which the two German tourists

had collected their insects, the Himalayas, where a villager can earn about \$170 for a single specimen and for many villagers this represents nearly a year's salary for a laborer. If the specimen is a Ladakh Banded Apollo butterfly it can easily command a price of \$20,000 from private collectors in Europe.

Some of the nocturnal lepidoptera, or moths, are equally rare and while the villager gets the same price as for butterflies, the moths are more easily caught because they are attracted to light. Villagers go into forests and mountainous areas with night lights to assist them. Some of these moths also can be sold in Europe for between \$10,000 and \$12,000.

But it isn't only private collectors who buy rare insects. Museums also are avid seekers of some species and only too often turn a blind eye to the fact that the insects are on the endangered species list and thus illegally tendered. In many cases, museums

EARTHLY CONCERNS D'VORA BEN SHAUL

that would reject the skin or mounted specimen of an endangered bird or mammal seem to take the acquisition of black-market insects far less seriously. The disappearance from the earth of rhinos or gorillas is a matter that attracts attention from most people but the loss of one species of beetle is rarely noted except by the professionals.

But this is a mistake, say the entomologists of Traffic, the trade monitoring arm of the World Wide Fund for Nature. In reality, we

don't have any idea of the exact role of many insects in the ecosystem and therefore we are not in a position to assess the potential damage that might be done by the extinction of a species.

Just how each species fits into its biotope, what role it plays in pollination or perhaps in the control of populations of other insects is hard to determine and one may not know what a species actually did until it disappears and then it's too late.

By now we even know that throughout the tropical areas of the world, and indeed in many other areas, it may well be that the pollination and the ultimate sur-

vival of plant species is totally dependent on fertilization by one particular insect and no other. If this insect disappears so does the flora that relied on it.

Because of the danger to insect species, wildlife law-enforcement officers have started to clamp down on this branch of wildlife trafficking.

The two men who were apprehended in India were quite rightly convicted and they now face a severe fine and five years' imprisonment. This is a severe sentence but it sadly seems that only if the penalty is severe can people be restrained from these depredations.

David Roberts-Yesterday and Today

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Monday A DAY LIKE NO OTHER

Nov. 18 Israel is not associated with heavy industry, and yet... This tour will visit the Haifa Bay, including the Oil Refineries, the Haifa Electric Power Station, the shipyards, workshops and navy base, plus a boat tour of the bay. We bet you've never seen this part of Israel.

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Tuesday RETURN TO BEIT SHEAN

Dec. 3 Thousands of years of history - Greek, Roman, Pagan, Jewish - now revealed for all to see. Theaters, temples, bath-houses, markets, frescoes, houses of ill-repute. All the beauty and cruelty that paganism offered. Even if you've been before, come again, because so much more has now been revealed, including the Mona Lisa, in one of the world's most successful digs.

NIS 180 (including lunch)
Tour guide: Israel Shalem

Thursday THE HILLS OF JUDEA

Dec. 5 In the region settled by the tribe of Judah, the moabites and kibbutz still retain their rustic atmosphere. We'll visit Mitzpe Maan'ah, Beit Jamal monastery, the Avshalom cave of stalagmites and stalactites, the Pilots' memorial and more. Come and immerse yourself in the history of both Judaism and Christianity.

NIS 185 (including lunch)
Tour guide: Carol-Anne Bernheim

Sunday ON THE TRAIL OF BAR KOCHBA

Dec. 22 With the support of Rabbi Akiva, Bar Kochba built an army and rebelled against the Romans. After three years of battles, during which time the population built an enormous underground system, the revolt was put down and Jewish settlement in Judea was destroyed. We'll visit the Amaziah and Hazan caves (an underground city), the huge complex of Beit Guvrin, Jerusalem's Shrine of the Book which contains the letters of Bar Kochba found in the Judean Desert etc.

NIS 195 (including lunch)
Tour guide: Carol-Anne Bernheim

The tour price includes transportation from Jerusalem or Tel Aviv and return, entrance to all sites, background lectures and on-the-spot explanations. Lunch as indicated. 10% off when you book all four tours. Pick-up and drop-off along the route when possible and arranged beforehand.

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BUSINESS & FINANCE

Monday, October 14, 1996

Elite negotiates sale of foreign coffee factories

GALIT LIPKIS BECK

ELITE Industries intends to enter negotiations with a European food company in an attempt to sell its coffee factories in Spain, Belgium, and France, the company said in a Tel Aviv Stock Exchange announcement yesterday.

The European company has offered to purchase all three of Elite's oo-brand oame coffee factories in these countries. Elite refused to provide additional details of the discussions.

The factories considered for sale are the Cafes Excelsa coffee plant in France, which supplies private-label coffee there, and the Fort coffee plant in Belgium, which manufactures and sells roasted and ground coffee under private labels for retail customers in the Netherlands, Belgium, and Britain.

Finally, the company is considering the sale of the Union Tostadora coffee plant in Spain, which is considered the largest private-label coffee manufacturer in Spain. It supplies premium coffees to the country's leading retailers.

Elite's coffee factories have suffered greatly over the last few years, primarily due to their inability to control the skyrocketing price of raw materials and sale prices, which are determined by the market's larger producers.

During the last few months, Elite Chairman David Federman's most urgent priority has been to reduce Elite's losses in Western Europe. For this purpose, Elite hired international consulting firm Arthur D. Little, which is expected to present its recommendations to management within the next few weeks.

Already, Elite has said it would follow Arthur D. Little's recommendation to close the Union Coffee plant in Berlin. Union, the main source of Elite's losses in Western Europe, produces private-label products for retail chains in Germany.

Solel Boneh wins contract for Trans-Israel Highway

DAVID HARRIS

SOLEL Boneh has won a NIS144 million contract to construct the first stage of the Kessam Interchange on the Trans-Israel Highway. The tender decision was announced by Cross-Israel Highway Ltd. yesterday.

Initially, 21 companies bid for the contract, which includes the construction of eight bridges, at the proposed interchange near Rosh Ha'ayin. Eleven bids were received from earth-moving firms, together with five from bridge builders and the same number from road layers. Solel Boneh is also bidding for the earth-moving work.

Cross-Israel at first expected work to begin on the junction in September. Now, the firm says it will start within the next few weeks and take some 2-1/2 years to complete.

The interchange will be located on the northwest edge of Rosh Ha'ayin and will link Trans-Israel Route 6 with the existing Route 5 from Ramat Hasharon to Rosh Ha'ayin.

National Infrastructure Minister Ariel Sharon has given notice of his intention to upgrade the existing extension of Route 5, Road 505, which passes Ariel. This will eventually connect with the Trans-Samaria highway.

The NIS700m. tender to construct the central section of the Trans-Israel Highway was issued last month. Four consortia have been invited to compete for the tender to build the 90-kilometer stretch from just west of Shoham in the south to Kessam.

There has been considerable opposition to the construction of Kessam and the highway as a whole. In May, scores of demonstrators protested on behalf of members of Kibbutz Givat Hahlosha, near Petah Tikva.

Kibbutz members and residents of nearby moshavim and Arab villages physically blocked the access for trucks and heavy equipment.

Apart from farmers, several environmental groups continue to oppose the highway, which they claim is poorly planned and unnecessary. Green groups are asking for improved public transport as a solution to traffic problems.



A Sikh buys food from the first Indian outlet of US fast-food giant McDonald's. The restaurant in New Delhi is the first McDonald's not to offer beef or pork and their derivatives. Instead, it offers mutton and vegetable products. (Reuters)

NEWS IN BRIEF

Israel Electric reports 25% rise in consumers: Israel Electric Corporation yesterday reported a 25 percent increase in the number of new consumers in the first half of the year, to 30,760, compared to the same period last year. In the six months to June, the company had a total 1,635,000 customers. The main increases were in household and commercial consumers. *David Harris*

Almost 700,000 Israelis made trips abroad during July and August, the Central Bureau of Statistics reported yesterday. That represents a 19 percent increase on the same period last year. Of those leaving the country, 78% traveled by air, a 15% increase over the equivalent figure for 1995. *David Harris*

Israeli contractors and builders attend World Bank conference in Turkey: The Association of Contractors and Builders is currently taking part in an economic conference in Turkey organized by the World Bank. The delegation is intended to develop international partnership agreements in the infrastructure field in the Middle East and North Africa. *Galit Lipkis Beck*

Adanim Mortgage Bank establishes insurance agency: Adanim Mortgage Bank has established an insurance agency. The agency, named Adni Ad, is intended to provide life and property policies to the bank's borrowers. The agency was formed after Adanim received the approval of the Supervisors of Banks and Insurance. *Galit Lipkis Beck*

Mediterranean business conference includes Israel and the PA: The British government announced it is to host a two-day Euro-Med conference on financial markets and opportunities for investment in the Mediterranean region in March. The conference will have twelve participants, including Israel, Jordan, Lebanon, Syria, Turkey, and the Palestinian Authority. *David Harris*

City and regional planners convene in Jerusalem: The international Society of City and Regional Planners' 32nd annual congress began in Jerusalem yesterday. Among the speakers on the opening day were Profs. Saskia Sassen of Columbia University in New York and Peter Hall of University College, London. The event continues until Wednesday. *David Harris*

German Greens to focus on economy: Germany's Green Party, eager to gain power in Bonn for the first time when parliamentary elections come round in 1998, said yesterday it plans to concentrate more on economic issues.

The environmentalist party, which has been in opposition in parliament for three of Chancellor Helmut Kohl's four terms, said it planned to speak out with a stronger voice on economic issues in the future. Joschka Fischer, parliamentary leader for the left-wing Greens, told more than 700 party members gathered in Hanover over the weekend that the aim was to forge a coalition government with the Social Democrats. *Reuters*

Leclerc considers setting up shop in Israel

GALIT LIPKIS BECK

LECLERC, a leading retail-store group in France, is examining the establishment of a chain of supermarkets here. President Michel Edouard Leclerc told members of the business community during his visit last week.

Leclerc visited Israel at the invitation of the Europe-Israel Foundation, a non-profit organization engaged in promoting business relations with Europe.

As a first measure, Leclerc said a delegation of the French company's purchasers will visit to examine the possibility of buying local products for the chain. At a later stage, Leclerc intends to set up a chain of stores here.

Shmuel Bat, head of the Chamber of Commerce's small business division, said Leclerc intends to encourage local entrepreneurs to open Leclerc stores here. The company is also examining the possibility of establishing a chain in partnership with one of the country's leading supermarket companies. Among others, Leclerc met with heads of the Super-Sol, Shekem, and Greenberg chains.

The Leclerc group consists of 550 supermarkets and department stores. The chain employs more than 65,000 workers. In 1995, the chain registered a sales turnover of \$25 billion, amounting to about 15 percent of the retail market in France. The company also operates in Spain, where it has five supermarkets, and Portugal, where it owns three supermarkets.

Last week, Finance Minister Dan Meridor held talks with senior representatives of the company.

Scitex warns of increased losses in third quarter

Jerusalem Post Staff

SCITEX Corp.'s third-quarter operating loss is expected to be significantly greater than the \$11 million it posted in the previous quarter, the company told the New York Stock Exchange at the end of last week.

The board of directors has decided to operate an efficiency program, which will involve the firing of more than 350 workers and the closure of offices and unprofitable divisions.

Revenue from its graphic arts group was below management's expectations, said the announcement. The company said it has commenced an extensive cost reduction program to bring operating expenses more in line with decreased revenue expectations.

Scitex said the third-quarter results will include a one-time expense to account for the cost-reduction program.

\$450m. Taiwan-Israel trade forecast this year

DAVID HARRIS

TRADE with Taiwan is expected to pass the \$450 million mark for the first time this year, according to predictions from Taipei's representatives in Tel Aviv.

With a delegation from the Taiwanese China Development Corporation now here, representatives of the two countries said they are confident the rapid expansion in bilateral trade over the last three years will continue.

The delegation, here until Wednesday, is looking for possible joint-venture opportunities in investments and research and development.

In addition to direct trade, Taiwan purchases an estimated \$300m. worth of Israeli diamonds a year from Hong Koog, according to its senior representative in Israel, Chen-bing Chung.

"We should attempt to make these purchases directly," said Chung. "This will enable the consumer to buy the diamonds at a cheaper price."

The main interest of Taiwanese businessmen is developing Israeli technological ideas back in the Far East.

"There is interest in direct investment, but I think Israeli companies need value-added investment," said Jerusalem Global Consultants Ltd. associate East Asia officer Meir Ukeles. "Joint ventures have greater potential. Israel can get dollars pretty much anywhere in the high-tech industry."

Fishman finds British firm to join consortium for Hapoalim sale

GALIT LIPKIS BECK

BUSINESSMAN Eliezer Fishman has reached an agreement in principle to add a UK-based investment firm to his consortium for the purchase of Bank Hapoalim, sources close to the sale confirmed yesterday.

Heads of the investment firm are expected to publish an official announcement during the next few days. The group is engaged in finance, insurance, and banking in Britain.

Following the Claridge-Arison retreat from the tender, the Eliezer Fishman consortium has remained as the sole contender for a controlling share in Bank Hapoalim. The consortium is interested in purchasing a 35 percent stake in the bank and an option to purchase additional shares in the future.

The consortium consists of Fishman and his group of companies, which is interested in acquiring 8% of the bank, and foreign investors. The foreign investors include investment house Bear Stearns, US insurance group Reliance, American Financial Group and the UK-based investment firm.

The Bank of Israel is currently considering the group's eligibility for the bid. The central bank rejected the Fishman consortium's first application on the argument that the consortium did not have adequate equity capital to control Bank Hapoalim.

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ISRAELI MONEY MARKETS

Patah (foreign currency deposit rates) (11.9.96)

Currency (deposit for)	3 MONTHS	6 MONTHS	12 MONTHS
U.S. dollar (\$250,000)	4.750	5.000	5.375
Pound sterling (£100,000)	3.875	4.000	4.300
German mark (DM 200,000)	1.625	1.625	2.125
Swiss franc (SF 200,000)	1.625	1.750	1.100
Yen (10 million yen)	—	—	—

(Rates vary higher or lower than indicated according to deposit)

Shekel Foreign Exchange Rates* (11.10.96)

CURRENCY	CHECKS AND TRANSFERS		BANKNOTES		Rep.
	Buy	Sell	Buy	Sell	
Currency basket	3.5275	3.5244	—	—	3.5288
U.S. dollar	3.1595	3.2105	3.10	3.28	3.1910
German mark	2.0947	2.0881	2.02	2.13	2.0811
Pound sterling	4.5762	5.0585	4.88	5.13	5.0225
French franc	0.6102	0.6201	0.59	0.63	0.6160
Japanese yen (100)	2.8338	2.8794	2.78	2.82	2.8522
Swiss franc	1.8418	1.8710	1.80	1.80	1.8622
Dutch guilder	2.9212	2.9619	2.78	2.82	2.9255
Swedish krona	0.4792	0.4870	0.47	0.50	0.4841
Norwegian krona	0.4859	0.4928	0.47	0.50	0.4841
Danish krona	0.6847	0.7089	0.68	0.70	0.6922
Finnish mark	0.9812	0.9475	0.92	0.98	0.9438
Canadian dollar	2.3387	2.3744	0.67	0.72	0.6970
Australian dollar	2.4853	2.5387	2.29	2.41	2.3595
3. African rand	0.8947	0.7089	2.45	2.58	2.5290
Belgian franc (10)	1.0020	1.0182	0.68	0.71	0.7017
Austrian schilling (10)	2.9356	2.9820	2.88	3.04	2.9822
Italian lire (1000)	2.0765	2.1100	2.04	2.14	2.0890
Jordanian dinar	0.8000	0.8800	0.80	0.88	0.8512
Egyptian pound	3.8982	4.0201	0.90	0.99	1.0032
EGP	3.8978	5.1889	5.00	5.25	5.1819
Irish punt	2.4541	2.4837	2.41	2.63	2.4794

*These rates vary according to bank. **Bank of Israel.
 SOURCE: BANK LEUMI

האזנה מאלו

האזנה מאלו

Finland ties knot with Europe through ERM link

HELSINKI (Reuters) - NEW EU member Finland took another decisive step westward at the weekend...

Ante Jaaskelainen of leading daily Helsingin Sanomat. Political commentators also celebrated the fact that Finland - which was part of Sweden until 1809...

"The competitiveness of Finnish industry has now been severely undermined," said the union source. Finland's coalition government - which has been rewarded for fiscal austerity by financial markets...

Wall St. trade, pessimism over Brodet panel push market down

TEL AVIV STOCK MARKET
ROBERT DANIEL
Two-Sided Index: 179.19 -1.37%
Maof Index: 188.41 -1.38%

STOCKS dropped for a third day, following declines in Israeli shares trading on Wall Street and pessimism about the prospects for the Brodet Commission's capital market reform proposals.

Precious metals futures close lower

COMMODITIES ROUNDUP

IN a very quiet Friday session, precious metals futures closed lower. Profit-taking before the weekend was featured, and sources said the morning's US inflation data had little impact.

The September Producer Price Index was up 0.2 percent. Excluding food and energy, it was up 0.3%. Silver led the precious metals market, which is looking with interest at COMEX silver warehouse stocks...

Greek PM to residents: Tighten belts to join EU currency

ATHENS (Reuters) - Prime Minister Costas Simitis told a confidence vote in parliament yesterday, calling on Greeks to tighten their belts to help the country join a single European currency and safeguard national security.

European Monetary Union by the year 2000, but to achieve this, it must slash inflation and spending. National Economy and Finance Minister Yannis Papandoniou said 1997 targets included cutting the deficit by 3.4 percentage points and lowering inflation by 2%.

World Bank chief starts India tour in Bombay slums

BOMBAY (Reuters) - World Bank President James Wolfensohn started a week-long tour of India here yesterday by visiting one of Asia's worst slums to see how the bank's money was being used to improve living standards.

Australia's assistant treasurer quits

CANBERRA (Reuters) - Australian assistant treasurer Jim Short, the junior minister responsible for banking policy, resigned yesterday following controversy over his ownership of shares in a major bank.

HUSSEIN
(Continued from Page 1) good results," he said. "We have to wait and see what happens. But we have been promised a good surprise, so let us hope that this will be the case in the interest of peace."

COMEX options on gold, silver, and platinum expired Friday, however, little volatility was seen at the end. December gold closed down \$1.10 at \$383.40; December silver was down 0.2 cent at \$5.058; January platinum was down \$2.10 at \$369.80; and December palladium fell 35 cents to \$119.

Simitis was backed by 161 deputies in the 300-seat parliament, while 134 voted against him. His socialist PASOK party scored an easy victory in elections last month which gave him an absolute majority with 162 seats. The first unpopular measures are expected within the month, with legislation that will abolish tax breaks for millions of households and a halt in public sector hirings to curb towering public deficits.

Finance Minister P. Chidambaram met Wolfensohn in Washington earlier this month and called for the bank to double its lending to India to help the country overcome chronic infrastructure problems. Wolfensohn will discuss capital market developments and infrastructure financing with industry leaders, and meet central bank governor Chakravarty Rangarajan and Maharashtra state's chief minister Manohar Joshi today.

SUMMIT

(Continued from Page 1) Palestinian negotiator Hassan Asfour rejected reports of progress. "Contrary to what is being reported on progress, differences still exist. There is a wide gap between the two sides," he said. Israeli officials said they do not want to pick a date for the talks' conclusion, since this is dependent on the Palestinians on less than on them. They note there is a clear pattern of Arafat using leverage to obtain last-minute concessions whenever Israel believes it is on the verge of a breakthrough.

Soybean futures closed limit-down Friday, on bearish USDA crop production estimates released in the morning. It was the second-highest US soybean crop on record. The November soybean contract closed limit-down (a drop of 30 cents) at \$7.0025 per bushel.

The acceleration of public and private investments would boost GDP growth by three to 3.5 percent compared to 2.6% in 1996. Officials expect spending cuts and the abolition of tax breaks to yield \$1.8 billion in 1997.

Wolfeohn will leave for the southern city of Bangalore today to participate in a business round-table organized by the International Finance Corporation. On Wednesday he goes to Bhubaneswar in the eastern state of Orissa, where World Bank funds have been used to restructure its power sector. Wolfeohn will speed the final three days of his tour in New Delhi, where he will meet Prime Minister H.D. Devraj Gowda, finance minister Chidambaram, and President Shankar Dayal Sharma.

On the issue of zoning, PA officials cite Oslo 2 as giving them administrative control over the city. Therefore, the question is raised whether Jewish settlers will have to ask PA permission should they seek to fill empty apartments in the part of the city falling under Israeli security control. Another question which may be considered is the legal status of property inhabited by Arabs, but owned by Jews before 1929.

December coffee futures settled higher on buying by speculators and roasters in a quiet session. The December contract settled 140 points higher at \$1,1630. December cocoa futures settled lower on fund and commercial trade buying.

Switches also traded on Friday, notably the December-May spread. The December contract settled \$5 lower at \$1.397.

WEIZMAN
(Continued from Page 1) meeting marking the 100th birthday of poet Uri Zvi Greenberg. Sounding upbeat in a conversation with reporters, Weizman stressed Egypt's pivotal role in the Middle East process and the influence of Mubarak who, he said, he has known for 19 years. An earlier official visit to Egypt, in December 1994, failed to bring about a serious change in Egypt's attitude.

"The people are furious. Some elements in this country are saying, 'Cut diplomatic relations.' I am very keen for the process to move forward, not to freeze diplomatic relations," he said. Mubarak has invited Labor Party leader Shimon Peres to meet him in Egypt next week. He said Israel will face a hostile audience at the economic summit in Cairo next week, and that trade could suffer. "If Mr. Netanyahu moves forward and respects his word, it would be helpful," Mubarak said. "They have lots of trade in the Arab world. If we don't reach a definite peace, all this trade will stop."

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Table with multiple columns: Multi-sided trading, Two-sided trading, AFTERNOON, MORNING. Lists various stock symbols and their prices.

Advertisement for M.H. MEYERSON & CO., INC. providing contact information and services for securities in Israel and the U.S.

Mubarak said he is "very, very, very upset" with Netanyahu, whom he accused of derailing peace efforts by re-opening negotiations to redeploy the IDF in Hebron. "I heard that he wants to change the whole agreement on Hebron. But Arafat will be unable to do this. It will mean the failure of Arafat among his people," Mubarak said. Mubarak, who declined an invitation to the recent summit at the White House, said Netanyahu's policies had also led to "strained" relations with Egypt.

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SPORTS

Gully, Rishon roll over Galil

JAMES GULLY'S return got Maccabi Rishon back in the Final Four picture last night with a solid 96-92 home victory over the previously undefeated Galil Elyon.

play of both Eli Balout and Doron Jametee. Balout was given some sorely needed assistance in the paint, while Gully's presence didn't allow Blatt's club to double-team Jametee, allowing him to score 25 points.

Shiel led the northerners with 22, with Andrew Koinedy and Alon Stein adding 20 and 19, respectively. Mac Ra'anana 89, Hap. Eilat 81 Tenacity. Fearlessness and total determination enabled Ra'anana to pull off the upset in Eilat.

Zofer Ovadia (16). Terence Stansbury led Herzliya with 21 points while Lior Arditi tallied 16. Hap. Jerusalem 96, Hap. Holon 89 Piny Gershon's club maintained its perfect record by turning back the indefatigable Holoners.

Washington on court as Eisenberg Open begins

FROM Wimbledon's Center Court final this year. Malivai Washington is now in Israel and will play today in the first round of the \$328,000 Eisenberg Israel Open at Ramat Hasharon.

HEATHER CHAIT While these two seeds face pretty straightforward games, the draw was not as merciful to the three Israeli players, all wildcards.

Jonsson beat Lior Mor and Gimelstob dismissed Oren Motevassel, the last two Israelis in the qualifying rounds.

Yanks one win away from pennant

BALTIMORE (AP) - The New York Yankees have the perfect Camden Yards formula: Pull out the power and turn it over to the bullpen.

round of the playoffs, had closed to 5-4 before the Yankees added three runs in the eighth on Cecil Fielder's RBI groundout and Strawberry's opposite-field shot to left.

three singles in the eighth. But he struck out Chris Hoiles and Anderson, and got Todd Zeile to pop out.

former teammate Tom Glavine into the shrubs in center field in the sixth. Helped by the homers and outstanding pitching from winner Donovan Osborne and the bullpen, the Cardinals were able to beat Atlanta at Busch Stadium for the first time in seven games this year.

Hill clinches Formula One championship

SUZUKA, Japan (AP) - Damon Hill did more than he needed to clinch his first Formula One auto racing championship yesterday.



BIG IN JAPAN - Damon Hill raises his arms in triumph after winning the Japanese Grand Prix.

Berkowitz makes Southampton debut

LONDON (AP) - Dion Dublin came off the bench in the second half and scored the equalizer less than a minute from the end to salvage a 1-1 draw for Coventry in its home match yesterday with Southampton.

Paris (AP) - Rene Lacoste, a star of the tennis world in the late 1920s and creator of the famed Lacoste sports shirts with the alligator emblem, has died, his daughter said yesterday. He was 92.

Tennis star Lacoste dies at 92

But perhaps the most meaningful victory for his home country was when he helped France win the Davis Cup in 1927 by beating both Bill Tilden and Bill Johnston.

Lacoste won seven major singles titles in his career - Wimbledon twice, the US Open twice and the French Open three times.

CLASSIFIEDS

ADVERTISING: RATES, DWELLINGS, RENTALS, SALES, OFFICE STAFF, SITUATIONS VACANT, HOUSEHOLD HELP, WHERE TO STAY

ADVERTISING: DWELLINGS, RENTALS, SALES, OFFICE STAFF, SITUATIONS VACANT, HOUSEHOLD HELP

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India crushes Australia by 7 wickets

NEW DELHI (Reuters) - Sachin Tendulkar failed with the bat but won his first Test as captain yesterday as leg-spinner Anil Kumble helped India to crush Australia by seven wickets on the fourth day of their one-off Test.

India lost three top batsmen, including Tendulkar for a duck, in their short 56-run victory chase after bundling out Australia for 234 in their second innings.

The tourists avoided an innings defeat thanks largely to a defiant Australia 182 (first innings) India 361 (first innings) Australia (second innings) M. Taylor c Rashore b Kapoor ... 37

Top 25 college football results:

- No. 1 Florida (5-0) beat No. 12 LSU 56-13. Next: vs. No. 18 Auburn, Saturday. No. 2 Ohio State (5-0) beat Wisconsin 17-14. Next: at Purdue, Saturday.

SCOREBOARD

- NFL, yesterday's early results - Dallas 17, Arizona 3; New Orleans 27, Buffalo 7; Pittsburgh 10, Cincinnati 10; Houston 23, Atlanta 13; Miami 21, 45, St. Louis 13; Washington 27, New England 22.

- NHL - Saturday's results: NY Islanders 5, Philadelphia 1; Pittsburgh 3, Ottawa 2; Detroit 6, Buffalo 1; Montreal 5, NY Rangers 3; Dallas 4, New Jersey Phoenix 4; Anaheim 2; Vancouver 5; St. Louis 3; Boston 5, San Jose 3.

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CRITIC'S CHOICE

CLASSICAL MUSIC

MICHAEL AJZENSTADT

THE International Choral Festival in Netanya (Shirat Hayarim) opens today (5) with a choral parade throughout Herzl St. The official opening is at 6:15 and the first event takes place at the promenade amphitheater (7:30). The festival continues for the next three days with afternoon workshops, morning competition sessions, outdoor concerts (at 6) and a gala concert (8:30) which tomorrow hosts our own Efrovi Choir under the direction of Maya Shavit.

British composer Benjamin Britten was known for his love of children and for his ongoing attempt to make music a language the young would enjoy as much as the old.

Which is why he composed a *Young Person's Guide to the Orchestra*, in which Britten takes listeners through a guided tour of the symphony orchestra.

Now the Israel Symphony Orchestra Rishon Lezion opens its season of family concerts with this work, conducted and narrated by Roni Porat. Tomorrow in Mofet in Rishon Lezion. Thursday at the Tel Aviv Performing Arts Center and next Sunday in Shikun Hamizrah in Rishon Lezion at 5.

THEATER

HELEN KAYE

SHAW in Russian? Why not, when the company is Moscow's famed Sovremennik Theater. They're doing *Pygmalion* about a flower girl called Eliza and a professor of phonetics called Higgins (better known to us as *My Fair Lady*, but this is the original). It's at the Noga Theater in Jaffa tonight, tomorrow and Wednesday at 8:30 p.m. (Russian with simultaneous translation into Hebrew).

More Russians, but this time they're the wonderful Geshe Theater crew performing Yehoshua Sobol's playful, touching *Kfar*, the story of this country just before and during independence through the life of a country family. At the municipal auditorium in Kfar Sava tonight



Conductor Gary Bertini is on the podium for the operatic performance of 'Der Freischütz,' at the Tel Aviv Performing Arts Center.

and through Thursday at 8:30 p.m. (Hebrew) Palestinian actress Emily Shehade performs her solo piece *This Is the Season of Grapes and Figs*, whose stories and songs tell the story of a Palestinian woman's daily life.

At Tel Aviv's Tzavta 2, tonight at 8:30, in English.

OPERA

HELEN KAYE

LOVE, sorcery, evil and redemption are the stuff of the old German folk-tales and of *Der Freischütz* - The Sharpshooter - by German composer Carl Maria von Weber, a work which later influenced the music of Wagner. The story concerns Max (tenors Jorma Silvasti/Albert Bonnema) a young hunter who's engaged to the gamekeeper's daughter Agathe (sopranos Soili Isokoski/Elizabeth Whitehouse). If he wins the annual sharpshooting contest, they'll be able to marry.

What with wolves, magic bullets, dark forest caves in the dead of night, not to mention a pactlet with a little devil and the jealous Caspar, Max is very nearly damned but he's saved by Agathe's purity and the timely intercession of an old monk.

Gary Bertini is on the podium and the director is Germany's Thomas Langhoff. At the Tel Aviv Performing Arts Center tonight and Wednesday at 8 and on Friday at 1 p.m.



TELEVISION

CHANNEL 1

8:31 News in Arabic 6:45 Exercise Hour 7:00 Good Morning, Israel

EDUCATIONAL TV

8:00 Man and his World 8:30 On Second Thought 9:00 Without Secrets 9:20 Nature 9:30 The World of Nature 9:45 Programs for young children 10:15 Scientists 10:40 English 11:10 Society 11:40 Tolerance 12:10 Scientists and General History 13:00 The Onelin Line 14:00 Surprise Train 14:20 Kitty Cat and Tommy 14:40 Gays, Gal and Gill 14:55 Gargantua 15:10 No Secrets

CHANNEL 1

15:30 Zap to 1 15:32 Video Force 15:50 The Adventures of Dodo 16:00 A Decade of Happa Hey 16:30 The Genie from Down Under - drama series 16:50 The Adventures of Dodo 16:59 A New Evening 17:34 Liberty Street 18:00 Droopy 18:10 Musical Notes 18:15 News in English

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JORDAN TV

14:05 The Muppet Show 14:30 The Bold and the Beautiful 15:30 French Programs 16:00 Documentary 16:30 Hey Dad 17:00 News Flash 17:01

WHERE TO GO

Notices in this feature are charged at NIS 28.00 per line, including VAT. Insertion every day of the month costs NIS 520.65 per line, including VAT, per month.

JERUSALEM

HEBREW UNIVERSITY. Tours of the Mount Scopus campus, in English, daily Sun-Thur, 11 a.m. from Bronfman Reception Centre, Sherman Administration Bldg. Buses 4a, 9, 23, 26, 28. For info, call 82419 ADASSAH. Visit the Hadassah - installations, Chagall Windows. Tel. 02-416333. 02-776271.

TEL AVIV

MUSEUMS TEL AVIV MUSEUM. Susan and Anton Roland-Rosenberg Collection 24 masterpieces by modern artists. Fauvism Wild Beasts. Josef Beyus Drawings and Objects. Prints new acquisitions. New Horizons: Sculpture. Face to Face. The Museum Collections. HELENA RUBINSTEIN PAVILION FOR CONTEMPORARY ART. Summer Exhibition for Children. Exhibitions of Colour games and workshop. I Am You Artista Against Violence: 20 posters. Hours: Weekdays 10 a.m.-6 p.m. Tue. 10 a.m.-10 p.m. Fri. 10 a.m.-2 p.m. Sat. 10 3 p.m. Meyerhoff Art Education Center, Tel. 6919155-8.

HAIFA

WHAT'S ON IN HAIFA, dial 04-8374253.

GENERAL ASSISTANCE

EMERGENCY PHARMACIES Kfar Sava Holim Lurmit, 25 Bezalet, 624-8748; Safim, Sulah e-Din, 627-2316; Shufat, Shufat Road, 501-0108; Dar Aldawa, Herod's Gate, 628-2059. Tel Aviv: Pharma Dal Jabotinsky, 125 km Givon, 548-2040; Brit, 28 King George, 529-3731. Tel 3 a.m. Tuesday: Pharma Dal Jabotinsky, 125 km Givon, 548-2040. Haifa: Hachasem, Ben Kerem, 40 Elmstein, 841-8730; London Ministers Superpharm, 4 Shaol Hamelech, 696-0116. Ramat Gan-Kfar Sava: Arim Mail, Katznelson, Kfar Sava, 787-7008. Netanya: Hachasem, 24 Herzl, 822243. Kiryat Arca: Haman, 4 Sintat Modin, Kiryat Modin, 871-7111. Haifa: Magen David, 13 Geula, 862-8208; Herziya: Cial Pharm, Ben Merkanzim, 5 Maasik (cvr. Sderot Hagatim), Herziya Plaza, 559472, 559407. Open 9 a.m. to midnight. Upper Nazareth: Cial Pharm, Lev Ha'ir Mail, 570468. Open 9 a.m. to 10 p.m.

DUTY HOSPITALS

Rama Clinic Center, Ramat Karim (internal, surgery, orthopedics, ophthalmology); Misgav Ladach (obstetrics); Bikur Holim (pediatrics, ENT). Tel Aviv: Tel Aviv Medical Center Dana Pediatric Hospital (pediatrics); Tel Aviv Medical Center (internal, surgery). Netanya: Lantaco.

POLICE

100

FIRE

102

FIRST AID

101

Nagen David Adom in emergencies dial 101 (Hebrew) or 911 (English) in most parts of the country. In addition: Ashdod 851333; Kfar Sava 922222; Netanya 9812333; Ashdod 8561332; Beersheva 8274767; Haifa 8225133; Dan Rejvot 5763333; Elor 8282444; Herzliya 8212233; Jerusalem 523133; Ramat 965444; Middle Westing Care Unit (MCU) service in the area, around the clock.

Medical help for tourists in English) 177-022-9110 The National Poison Control Center at Ramat Gan Hospital (04-832-9205, 24 hours a day, for information in case of poisoning). Eran - Emotional First Aid, 1201, also: Ramat Gan Hospital (04-832-9205), Tel Aviv 523-4819, 544-9191 (men), Jerusalem 625-8558, Haifa 833-0533, Eilat 836-1977. Hadassah Medical Organization - Israel Center Association support service 02-624-7676).

CRYPTIC CROSSWORD

ACROSS: 7 Looking forward to a birthday (9); 8 Was endlessly told to praise highly (5); 10 After tea, wise-sounding better half had the bone-scraper (6); 11 Only Tex and I could arrange the cellulose plastic (8); 12 Make an earnest request for a gentle ring (6); 14 In a poppy, Len eliminated a hydrocarbon (8); 16 Spindle revolutionised by Alex (4); 17 Spirited woman at home in the earth (5); 18 Takes an inside shot (4); 19 Just the thing to get you into the match (6); 21 Regret having soldiers shut up (6). DOWN: 1 Daisy's neat feature (2-3); 2 Male perhaps let up about six times (8); 3 Go without food, the way one might rave about it (6); 4 Stone animal outside New York (4). 5 A wrong mark on nearly everything to do with the extension of a nerve cell (6); 6 Aunt Colin provoked, it's always happening (9); 9 It's light yellow and soft in marshy ground (6); 13 Cold unit of illumination first found in Egypt (5); 15 Church with a cross on top in Devon (9); 17 Got tiddy with Froch wine - that's making one's mark! (6); 18 Unknown character on phone about Greek general (8); 20 After upsetting ink, had food cut (6); 22 Salesman in the money to settle in advance (6); 23 About 400 sheets of the best (5); 25 Wind up during this dance? (4).

SOLUTIONS: ORDINANCE D O R A... 10 11... 12 13... 14 15... 16 17... 18 19... 20 21... 22 23... 24 25... Yearday's Quick Solution: ACROSS: 1. Eaten, 4. Collage, 5. Ejected, 9. Drama, 10. Taylor, 11. Lennox, 12. Adm., 13. Ender, 17. Dancer, 20. Nest, 22. Fontaine, 24. Light, 26. Brass, 27. Tonsure, 28. Spinner, 29. Laser. DOWN: 1. Erector, 2. Tweet, 3. Natural, 4. Coddie, 5. Lady, 6. Amateur, 7. Ernest, 13. Ender, 14. Dent, 15. Volume, 18. Ender, 19. Sirenet, 21. Eater, 22. Press, 23. Needle, 25. Gourd.

QUICK CROSSWORD: ACROSS: 1 1,000,000 (7); 5 Successor (4); 7 Sheered a boat (5); 8 Spoke (6); 10 Move slowly (4); 11 Knifing (8); 13 Bank clerk (6); 14 Hidden marksman (6); 17 Take away (8); 19 Wide boy (4); 21 Horse's headgear (6); 22 Saff (5); 23 Not as much (4); 24 Ripened (7). DOWN: 1 Raincoat (10); 2 Of vocabulary (7); 3 China (4); 4 Write music (6); 5 Recklessly intent (4-4); 6 Bodice's tribe (5); 9 Irritated (10); 12 Scottish islands (8); 15 Well-liked (7); 16 Yall (6); 18 Canal boat (5); 20 The other one (4).

CABLE

16:00 Animated films 16:30 Things Which Can't Be Sold 17:15 Panorama 18:00 Amores 19:00 News in Arabic 19:30 Doctors Talk 20:00 News 20:45 Scott of the Antarctic (1948) - drama history of the famous explorer. Starring John Mills (111 mins.) 22:40 Adventure - Man and His World 23:30 Inside Stuff

■ CHANNEL 1 15:30 Zap to 1 15:32 Video Force 15:50 The Adventures of Dodo 16:00 A Decade of Happa Hey 16:30 The Genie from Down Under - drama series 16:50 The Adventures of Dodo 16:59 A New Evening 17:34 Liberty Street 18:00 Droopy 18:10 Musical Notes 18:15 News in English

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High Court hears Olmert petition against indictment

THE High Court of Justice yesterday heard Jerusalem Mayor Ehud Olmert's petition against Attorney General Michael Ben-Yair's decision to indict him, but will issue its decision only at a later date.

The draft indictment accuses Olmert of aggravated fraud, falsifying corporate documents, tax code violations, and violating the Party Funding Law, for a fund-raising scam run by the Likud in 1988, when he was party treasurer.

Olmert's attorney, Yigal Aron, argued that Ben-Yair has no legal authority to file an indictment unless he believes there is enough evidence to convict. In this case, he said, the prosecution itself believes there is not enough evidence, and therefore the indictment is illegal.

Aron noted that in 1991, when several other people involved in the affair were indicted, then attorney-general Yosef Harish decided there was not enough evidence to indict Olmert. Amitai - Citizens for Good Government petitioned the High Court against this decision, and in response to this petition, Ben-Yair twice submitted affidavits reiterating that he did not have enough evidence - once in 1993, and again in 1994.

Since then, Aron said, only one thing has changed: Two of the defendants in the original trial, who were convicted earlier this year, implicated Olmert in their testimony. They were Menabem Atzmon, Olmert's co-treasurer, and Yona Peled, the head of an organization which raised funds for the Likud and the one who actually carried out the scam.

However, the prosecution, in its summary statements during the trial, said that neither of the two men's testimony against Olmert could be believed. If this is the prosecution's opinion, Aron said, how can it say this testimony adds anything to the original evidence, which was not enough for an indictment?

Government attorney Uzi Fogelman responded that it is not possible to separate the evidence into two discrete components - what was available before the trial, and what was added by the testimony of Peled and Atzmon - because this is not how Ben-Yair approached the question. Instead, he examined the cumulative picture provided by all the evidence, and decided it was enough to justify an indictment.

Furthermore, he argued, whether there is sufficient evidence is not a question for the court that actually tries the case.

Justices Eliezer Goldberg, Yitzhak Zamir, and Ya'acov Kedmi indicated that they had some sympathy for both sides' arguments.

On the one hand, they noted, it is the attorney-general's job to decide whether there is enough evidence, and this is not the type of decision in which the court usually interferes. On the other hand, they said, Ben-Yair's affidavits to the court clearly stated that as of 1994, there was not enough evidence to indict Olmert.

Therefore, he has clearly altered his decision, and the reasons for altering a governmental decision are generally considered justiciable.

EVELYN GORDON

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Surgeon barred from conducting kidney transplants

HEALTH Minister Tzahi Hanegbi yesterday instructed Kupat Holim Clalit to bar its leading kidney-transplant surgeon, Prof. Zaki Shapira, from performing transplants from live donors until an investigation is completed.

A few months ago, Ma'ariv claimed Shapira had transplanted kidneys that had been "sold" by Palestinians, even though it is illegal for organs to be removed from a live donor and transplanted into a person who is not a close relative.

The newspaper did not, however, claim that Shapira - head of the kidney-transplant center at the Rabin Medical Center-Beilinson Campus in Petah Tikva - had taken money for his involvement.

Hanegbi adopted recommenda-

JUDY SIEGEL

tions of a ministry-appointed investigative committee, headed by Hadassah-University Hospital anesthesiologist Prof. Shamaï Kotev.

The report "raises suspicions against Prof. Shapira, among other things, for having cooperated with intermediaries and violated written ministry regulations relating to organs provided by a live donor," the ministry spokesman said.

According to Ma'ariv, many of those selling kidneys are impoverished Palestinians, and most of the recipients are well-off Israelis or foreigners who come here especially for transplants.

Hanegbi instructed ministry Director-General Gabi Barabash to send the committee report to Attorney-General Michael Ben-Yair to see if a police investigation should be launched.

He also decided to convene the ministry's Supreme Helsinki Committee to help prepare positions on reforms in organ donation, both from live donors and from cadavers.

Kupat Holim Clalit said last night that health fund director-general Avigdor Kaplan and his legal advisers had not yet had time to study the Kotev Committee report. However, until further notice, Shapira has been instructed not to perform any transplants from a living donor.

Histadrut may return to Tel Aviv

THE Histadrut is considering returning its headquarters to Tel Aviv, less than six months after moving with much ceremony to Jerusalem.

Histadrut Chairman MK Amir Peretz told Israel Radio yesterday that moving back to Tel Aviv is one of the options being considered in an effort to cut costs, due to the budgetary difficulties facing the labor federations.

Peretz said Histadrut Treasurer Shmuel Avital "must examine the costs created by the move to Jerusalem and whether any money

MICHAEL YUDELMAN

- and how much - could be saved by staying in Tel Aviv."

The move to Jerusalem was decided upon by former chairman MK Haim Ramon, although none of the other leadership members agreed with the move. Ramon left the Histadrut at the end of last year, but nobody moved to stop the move.

All the large labor unions, as well as Na'amat, opted to keep their Tel Aviv offices, so the Histadrut con-

tinued paying for the old offices in addition to the new building in Jerusalem.

The Histadrut is also financing the daily transport of most workers from the central region to Jerusalem.

The Histadrut's leadership yesterday debated the financial reports presented by the Histadrut's accountants, who doubted the federation's ability to fulfill its commitments in view of its cumulative deficit of NIS 1.4 billion and a NIS 300 million current deficit, which increases monthly by NIS 20m.



World chess champion Garry Kasparov arrives yesterday to open the Jerusalem 3000 celebratory Israel Chess Championships. (Shaul Rahamim)

Kasparov suggests Middle East draw

"IT is very important in the peace process to realize that this is not a game to win - the best result for the two sides is a draw," world chess champion Garry Kasparov said only a few hours after he arrived from Russia yesterday afternoon.

Kasparov, 33, has come to open the Jerusalem 3000 Israel Chess Championships, which will begin tomorrow with his playing simultaneously against 10 chess-loving members of the public and 15 professional chess players.

Included among the players

DANIEL J. CHALFEN

will be industry and Trade Minister Natan Sharansky, MK Michael Eitan, Supreme Court Justice Ya'acov Maltz, and journalists Yosef Lapid and Dan Margalit.

Kasparov will meet Prime Minister Binjamin Netanyahu on Wednesday, but not across the chess board.

He will also visit the developing Kasparov Chess Academy in Ramat Aviv, whose purpose is to promote chess and make it more

attractive to children.

Kasparov, born in Azerbaijan to a Jewish father and Armenian mother, was world youth champion in 1980, Russian champion in 1981, and in 1985 became the youngest ever world champion.

"I was here two years ago and I really enjoyed it," he said. "Israel has the greatest tradition of and link to the game of chess in the world."

"If we look at the names of the world champions, it is possible to say that the majority have been Jewish."

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WEATHER

Forecast Local rain.

Location	Forecast	Local rain
Jerusalem	14-20	
Tel Aviv	19-27	
Beersheva	17-27	
Haifa	19-25	
Tiberias	18-30	
Afula	17-27	
Samaria	14-20	
Eilat	20-32	
Dead Sea	20-32	
Golden	13-19	

AROUND THE WORLD

Location	LOW	HIGH	C	F	Cloud
American	07	45	17	63	clear
Berlin	04	26	15	59	partly
Buenos Aires	13	23	12	53	cloudy
Canary	14	26	15	59	clear
Chicago	12	54	22	72	clear
Düsseldorf	08	48	15	59	cloudy
Frankfurt	04	26	15	59	cloudy
Geneva	08	35	19	66	clear
Hamburg	09	45	11	52	rain
Hong Kong	24	75	28	84	clear
London	14	57	27	81	clear
Madrid	14	57	27	81	clear
Los Angeles	13	55	20	68	clear
Mexico	20	68	28	82	clear
Montreal	09	48	28	82	cloudy
Moscow	06	46	13	55	partly

Winoing numbers
IN yesterday's daily Chance drawing, the winning numbers were the king of spades, the queen of hearts, the eight of diamonds and the jack of clubs.

Kitan workers to protest at Knesset today

Finance committee members visit site

WORKERS at the Kitan textile plant in Beit She'an intend to demonstrate outside the Knesset today to protest the firm's decision to close down most of the plant and fire 110 employees.

The workers, the Histadrut, and the municipality are also planning for a general strike in Beit She'an on Thursday, if no solution is reached by then.

"The demonstration outside the Knesset will coincide with a scheduled meeting of the Labor and Social Affairs Committee, which is due to discuss the issue," said Herzl Yona, spokesman for the Histadrut's Beit She'an

DAVID RUDGE

branch. "Representatives of the workers and the Histadrut will attend the meeting.

"We don't, however, hold out much hope of management changing its mind, so other actions are planned.

"These will include a demonstration outside the Clal (Kitan's parent company) building in Tel Aviv on Wednesday, followed on Thursday by a total closure of Beit She'an."

Members of the Knesset Finance Committee visited the

town yesterday and met with the workers, who are staging a sit-in at the plant. They also met with Kitan deputy general manager Gidi Lax.

Five of the committee's 15 members, led by chairman Eli Goldschmidt (Labor), took part. Their efforts to persuade Kitan to rescind the closure or defer it for a month to enable other options to be considered were unsuccessful.

Goldschmidt expressed frustration after the meeting over the way the company announced its

decision, without giving the workers any prior notification, and its subsequent refusal to consider any alternative.

The workers have described management as intransigent and charged that the closure of the finishing factory at the plant and the dismissal of 110 of its 180 workers would destroy the factory.

They also expressed fear that the closure would harm Beit She'an, causing closures and cutbacks in other industries. The workers said the planned action campaign has the support of all of Beit She'an's residents.

Mysterious note found in old Palmah rifle

WORKERS renovating the Ministry of Defense war museum discovered a hidden note in a World War II vintage rifle and are looking for survivors from the Palmah unit which fought in the battle of Tzema in the War of Independence to help them make sense of it.

The note was found in the butt of a British-made Lee-Enfield rifle by workers who were cleaning it for display.

The note's heading was in printed Hebrew letters and says: "A souvenir to remember forever." This is followed by a handwritten

ARIEH O'SULLIVAN

note which says: "We Palmah soldiers fought until the end - 7.1948. - Tzema Degania."

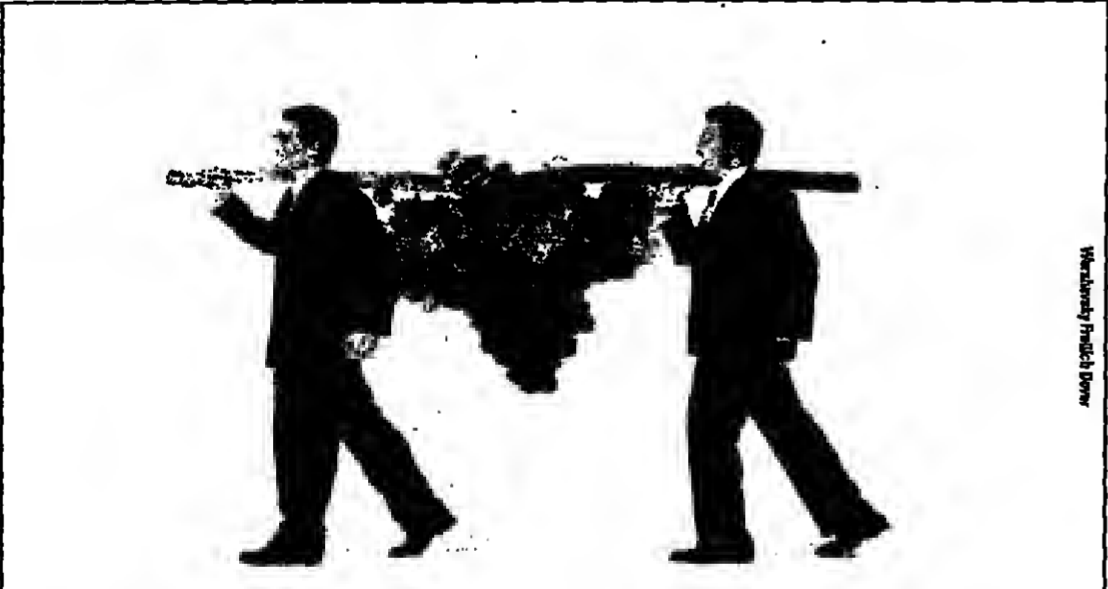
The museum has put the note on display next to the rifle in its War of Independence wing.

"It is hoped that this will help us reach the fighters or their families, so we can find out more about it," a Defense Ministry statement said.

Tzema was a fortified police post on the

southern shore of Lake Kineret. It was here the Syrian thrust into Israel began in May 1948. The Syrians threw over 30 armored vehicles and tanks at the post, which was defended by a rag-tag company, equipped with just two 20 mm. guns. The defenders suffered heavy casualties and part of their force fled, leaving behind many wounded, who were ultimately killed.

As the Syrians move on to Kibbutz Degania A, a company from the Palmah's "Yiftah" Brigade was rushed forward in an unsuccessful attempt to recapture Tzema.



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